



भारत का राजपत्र

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No. 43] NEW DELHI, SATURDAY, OCTOBER 22, 1994/ASVINA 30, 1916

इस भग्न में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय के अद्वितीय) द्वारा जारी किए गए शारिरिक आदेश और अधिसचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

क्रिया, व्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

(न्यायिक खण्ड)

सूचना

नई दिल्ली, 28 सितम्बर, 1994

का. आ. 2815:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्तम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री कृष्ण चन्द दीवान, प्र०ड्वोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक प्रावेदन इस बात के लिए दिया है कि उसे पश्चिम विहार, गाल्ड्रीय राजधानी दिल्ली में व्यवसाय करने के लिए नोटरीज के रूप नियुक्ति पर व किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के नौदह दिन के भीतर निर्वित रूप में मेरे पास भेजा जाए।

[मं. 5 (124)/94-न्यायिक]

पी.सी. कण्णन, मंत्री प्राधिकारी

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 28th September, 1994

S.O. 2815.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Krishan Chand Diwan, Advocate for appointment as a Notary to practise in Paschim Vihar, NCT of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(124)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 29 सितम्बर, 1994

का.आ. 2816:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री धर्मेन्द्र नाथ गोवल, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे पीतमपुरा एवं रोहिणी, राष्ट्रीय राजधानी दिल्ली में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(125)/94—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 29th September, 1994

S.O. 2816.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Dharminder Nath Goel, Advocate for appointment as a Notary to practise in Pitampura and Rohini in NCT of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(125)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 29 सितम्बर, 1994

का.आ. 2817:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री गौरी शंकर बनिक, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अलीपुर कोट, 24 परगना जिला (दक्षिण) पश्चिम बंगाल में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(122)/94—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 29th September, 1994

S.O. 2817.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Gauri Shankar Banik, Advocate for appointment as a Notary to practise in Alipore Court, District 24 Pargana (South), West Bengal.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(122)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 29 सितम्बर, 1994

का.आ. 2818:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जे.आर. मोरे, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे डण्डा खाड़, ग्रेटर ब्रम्बई (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(121)/94—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 29th September, 1994

S.O. 2818.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri J. R. More, Advocate for appointment as a Notary to practise in Danda-Khar, Greater Bombay (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(121)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 29 सितम्बर, 1994

का.आ. 2819:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री रमन नारंग, एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फगवाड़ा (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(120)/94—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 29th September, 1994

S.O. 2819.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Raman Narang, Advocate for appointment as a Notary to practise in Phagwara, (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(120)/94-Judl.]

P. C. KANNAN, Competent Authority

मूच्चना

नई दिल्ली, 29 सितम्बर, 1994

का.आ. 2820.—नोटरीज नियम, 1956 के नियम 6 के अनुसार में मकान प्राधिकारी द्वारा यह मूच्चना दी जाती है कि श्री महावीर हरीचन्दजी श्री श्रीमल एड्योकेट के उक्त प्राधिकारी का उक्त नियम के नियम 4 के अधीन एक व्यावेदन इस बात के लिए दिया है कि उसे पुणे मिट्टी (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त पर व किसी भी प्रकार का आपेक्ष इस मूच्चना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(119)/94/न्यायिक]

पी.सी. कण्णन, मकान प्राधिकारी

NOTICE

New Delhi, the 29th September, 1994

S.O. 2820.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Mahavir Harichandji Shri Shrimal, Advocate for appointment as a Notary to practise in Pune City (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(119)/94-Judl.]

P. C. KANNAN, Competent Authority

गृह मन्त्रालय

(पुनर्वास प्रभाग)

नई दिल्ली, 24 प्रगस्त, 1994

का.आ. 2821.—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा भूमि एवं भवन विभाग, निष्कान्त सम्पत्ति कक्ष राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार में सहायक बन्दोबस्तु अधिकारियों, सर्वश्री एस.एस. आजाद तथा केशरी लाल बोध को, उनके स्वयं के दायित्वों के अतिरिक्त, उक्त अधिनियम के द्वारा अथवा उसके अधीन सहायक अभिरक्षक को सौंपे गए कार्यों का नियादन करने के उद्देश्य से तत्काल प्रभाव से निष्कान्त सम्पत्ति के सहायक अभिरक्षक नियुक्त करती है।

[संख्या : 1(6)/93-बन्दोबस्तु (ख)]

आर.एस. आहूजा, अवर सचिव

MINISTRY OF HOME AFFAIRS

(Rehabilitation Division)

New Delhi, the 24th August, 1994

S.O. 2821.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints S/Shri S. S. Azad and Keshari Lal Boudh, Assistant Settlement Officers in the Land and Building Department, Evacuee Property Cell, Government of the National Capital Territory of Delhi as Managing Officers in addition to their own duties, for the purpose of performing the functions assigned to a Managing Officer by or under the said Act, in respect of management and disposal of acquired evacuee urban and rural properties and lands situated in the National Capital Territory of Delhi forming a part of the Compensation Pool.

[No. 1(6)/93-SETTLEMENT(A)]

R. S. AHUJA, Under Secy.

नई दिल्ली, 24 अगस्त, 1994

का.आ. 2822.—निष्कान्त सम्पत्ति प्रबंध अधिनियम, 1950 (1950 का 31) की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भूमि एवं भवन विभाग, निष्कान्त सम्पत्ति सैल राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार में सहायक बन्दोबस्तु अधिकारियों, सर्वश्री एस.एस. आजाद तथा केशरी लाल बोध को, उनके स्वयं के दायित्वों के अतिरिक्त, उक्त अधिनियम के द्वारा अथवा उसके अधीन सहायक अभिरक्षक को सौंपे गए कार्यों का नियादन करने के उद्देश्य से तत्काल प्रभाव से निष्कान्त सम्पत्ति के सहायक अभिरक्षक नियुक्त करती है।

[संख्या : 1(6)/93-बन्दोबस्तु (ख)]

आर.एस. आहूजा, अवर सचिव

New Delhi, the 24th August, 1994

S.O. 2822.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints S/Shri S. S. Azad and Keshari Lal Boudh, Assistant Settlement Officers in the Land and Building Department, Evacuee Property Cell, Government of the National Capital Territory of Delhi as Assistant Custodians of Evacuee Property, in addition to their own duties, for the purpose of performing the functions assigned to such Assistant Custodian by or under the said Act, with immediate effect.

[No. 1(6)/93-SETTLEMENT (B)]

R. S. AHUJA, Under Secy.

नई दिल्ली, 9 सितम्बर, 1994

का.आ. 2823.—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा गृह मन्त्रालय में संयुक्त सचिव श्री मुंबीर दत्ता को उक्त अधिनियम के द्वारा अथवा उसके अधीन सूचिय बन्दोबस्तु आपुक्त को सौंपे गए कार्यों का

निष्पादन करने के उद्देश्य में मुख्य बन्दोबस्तु आयुक्त के रूप में
नियुक्त करती है।

2 इसके द्वारा दिनांक 17-2-1994 की अधिसूचना
संख्या 1(1)/94-बन्दोबस्तु (क) का प्रधिकरण किया
जाता है।

[संख्या : 1(1)/94-बन्दोबस्तु (क)]

पी. के. शर्मा, निदेशक

New Delhi, the 9th September, 1994

S.O. 2823.—In exercise of the power conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Subir Datta, Joint Secretary in the Ministry of Home Affairs as the Chief Settlement Commissioner for the purpose of performing the functions assigned to such Chief Settlement Commissioner by or under the said Act.

2. This supersedes Notification No. 1(1)/94-Settlement (A) dated the 17th February, 1994.

[No. 1(1)/94-SETTLEMENT (A)]

P. K. SHARMA, Director

नई दिल्ली, 9 मित्तम्बर, 1994

का.आ. 2824.—निष्कालन मम्पत्ति प्रबंध अधिनियम, 1950 (1950 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्र सरकार इनद्दारा गृह मंत्रालय, में संयुक्त सचिव श्री सुवीर दत्ता को उक्त अधिनियम के द्वारा अधिकार उसके अधीन महाभिरक्त को मार्पिं गए कार्यों का निष्पादन करने के उद्देश्य से, निष्कालन मम्पत्ति के महाभिरक्त के रूप में नियुक्त करती है।

2. इसके द्वारा दिनांक 17-2-94 की अधिसूचना संख्या 1(1)/94-बन्दोबस्तु (ख) का प्रधिकरण किया जाता है।

[संख्या : 1(1)/94-बन्दोबस्तु (ख)]

पी. के. शर्मा, निदेशक

New Delhi, the 9th September, 1994

S.O. 2824.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints Shri Subir Datta, Joint Secretary in the Ministry of Home Affairs, as the Custodian General of Evacuee Property for the purpose of performing functions assigned to such Custodian General by or under the said Act.

2. This supersedes notification No. 1(1)/94-Settlement (B) dated the 17th February, 1994.

[No. 1(1)/94-SETTLEMENT (B)]

P. K. SHARMA, Director

कार्मिक, लोक शिकायत तथा पेशन मन्त्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 29 मित्तम्बर, 1994

का.आ. 2825.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (का अधिनियम सं. 25) की धारा 6 के माय पठित धारा 5 के उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए दिनांक 19-9-94 के प्रमुख गृह मंत्रालय के पत्र सं. 2936/94-सी.एक्स-7-60/20/94 द्वारा प्राप्त हुई उत्तर ? देश राज्य सरकार की महमत से दिल्ली विशेष पुलिस स्थापना के मद्दतों की शक्तियों और अधिकारिता का विस्तार निष्पत्तिवाचित अपराधों के अन्वेषण के लिए मम्पूर्ण उत्तर प्रदेश राज्य पर करती है, अर्थात्:—

(क) पुलिस स्टेशन आवासी जनपद बस्ती में दर्ज किए गए अपराध संख्या 204/93 दिनांक 16-11-93 के मामले में सम्बन्धित भारतीय दण्ड संहिता 1860, (1860 का अधिनियम संख्या 45) की धारा 302/307 के अन्तर्गत दण्डनीय अपराध।

(ख) उपर वर्णित अपराधों के संबंध में या उनसे संबंधित प्रयत्न, दुष्प्रेरण और पड़यत्व तथा उन्हीं सध्यों से उत्पन्न होने वाले वैसे संव्यवहार के अनुश्रम में किया गया या किए गए कोई अन्य अपराध।

[संख्या : 228/35/94-ए.वी.डी.-II]

पराग प्रकाश, उप सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 29th September, 1994

S.O. 2825.—In exercise of the powers conferred by sub-section (I) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh, vide No. 2936/94-CX-7-60/20/94 dated 19-9-1994 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of U.P. for investigation of offences as hereunder:—

(a) Offences punishable u/s 302/307 of the Indian Penal Code 1860 (Act No. 45 of 1860), relating to case in Crime No. 204/93 dated 16-11-1993 registered at Police station Chhawni, District Basti (Uttar Pradesh).

(b) Attempts, abettments and conspiracy in relation to, or in connection with the offences mentioned above and any other offences or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/35/94-AVD.II]

PARAG PRAKASH, Dy. Secy.

शुद्धिपत्र

नई दिल्ली, 4 अक्टूबर 1994

का.आ. 2826:—भारत सरकार के कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग की अधिगृहनना में।

8 जनवरी, 1994 के भाग के राजपत्र (भाग-II खंड 3(ii) में प्रकाशक सा. आ. म. 63 दिनांक 21-12-93 में अप्राप्य संख्या 74/93 के बजाय "ग्रपराध सं. 174/93" पढ़े।

[संख्या 228/83/93-एव्डी-II]

आर.एस. विठ्ठ. श्रवर सचिव

CORRIGENDUM

New Delhi, the 4th October, 1994

S.O. 2826.—In the notification of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training).

S.O. No. 63 dated 21-12-93 published in The Gazette of India, January 8, 1994 [Part II, Section 3(ii)] for crime No. 74/93 read "Crime No. 174/93".

[No. 228/83/93/AVD-II]

R. S. BISHT, Under Secy.

विद्य संशोधन

राजस्व विभाग

आयकर महानिदेशालय (छृट) का कार्यालय

कलकत्ता, 10 अप्रैल, 1994

आयकर

T. 2827:—सर्वसाधारण को प्रतिद्वंद्वय सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के पर्याप्त विहित प्राधिकारी द्वारा निम्नलिखित गती पर "संघ" संघर्ष के पर्याप्त अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अनुगते वैज्ञानिक विभाग।

(ii) यह अपान वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वैज्ञानिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्षीय के 31 मई तक राजिक, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी विभाग" न्यू मैहरीनी रोड, नई दिल्ली-310016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक निष्पान्तरित वैज्ञानिक विभाग की प्रति (क) आयकर महानिदेशक (छृट), सचिव, वैज्ञानिक नियम औद्योगिक अनुसंधान विभाग और (ग) आयकर आयकर विभाग (छृट) जिनके अधिकारी द्वारा संगठन पढ़ता है, और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च विभागात्मक सम्बन्धित छृट के बारे में लेखा-प्रतीक्षित आय-ज्यव विभाग को भी प्रस्तुत करेगा।

संगठन का नाम

इन्सटिच्यूट आफ किंग्स डिजिजेज प्रॉड रिसर्च सेंटर, सिविल हास्पिटल कैम्पस, असाडा, अहमदाबाद-380016 गुजरात

यह अधिमूलना दिनांक 1-4-93 में 31-3-95 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. अनुमोदित अर्थ (1) "संघ" जैसा सर्वर के लिए लागू नहीं होगा।

2. संगठन को गुणात्मक दिया जाता है कि वे अनुमोदित को शाश्वत बढ़ाने के लिए आयकर अनुमोदित/आयवार निदेशक (छृट) जिनके अधिकारी द्वारा संगठन पढ़ता है के माध्यम से आयकर महानिदेशक (छृट), कलकत्ता को तीन प्रतियों में अनुमोदित करें, अनुमोदित की प्रवधि बढ़ाने के संबंध में किए आवेदन करी 6 प्रतियां समिक्षा, वैज्ञानिक और वैद्योगिक अनुसंधान विभाग को प्रद्युम्न करना है।

[संख्या 1079 (एफ.स. म.नि./आ.क. (छृट) आ-1/35(1) (2) 89] राजेन्द्र सिंह, उप निदेशक

MINISTRY OF FINANCIAL

(Department of Revenue)

OFFICE OF THE DIRECTOR GENERAL OF INCOME-TAX (EXEMPTIONS)

Calcutta, the 10th April, 1994

INCOME TAX

S.O. 2827.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions :—

- The organisation will maintain separate books of accounts for its research activities ;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110010 for every financial year by 31st May of each year ; and
- It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Institute of Kidney Diseases and Research Centre, Civil Hospital Campus, Asarwa, Ahmedabad-380016, Gujarat, India.

This Notification is effective for the period from 1-4-1993 to 31-3-1995.

Notes.—(i) Conditions (i) above will not apply to organisation, categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1079/F. No. DG/IT(E)/G-1/35(1)(ii)/89]

R. SINGH, Dy. Director

कलकत्ता, 11 अक्टूबर, 1994

आयकर

का.आ. 2828 :—सर्वोच्चारण का एतद्वारा सूचित किया जाता है कि निम्नलिखित गणन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत (iii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" संबंधी के अधीन सन्मोदित किया गया है :—

- (1) संगठन मनुसंधान कार्यों के लिए अलग नेतृत्व बहिर्भूत रखेगा।
- (2) यह अपने वैज्ञानिक मनुसंधान मम्मन्धी कार्यों का एक वायिक विवरण प्रत्येक विनीय वर्ष के लिए, प्रत्येक वर्ष के 31 भर्ते तक निर्दिष्ट, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मैहरीनी रोड, नई दिल्ली-110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक नेतृत्व परीक्षित वार्षिक नेतृत्व की प्रति (क) आयकर महानिवेशक (छूट), (ख) समिति, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिवेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 को धारा 35(1) में दी गई विवरण किया गया सम्बन्धित छूट के बारे में नेतृत्व-परीक्षित आय-व्यय रिपोर्ट को भी प्रस्तुत करेगा।

संगठन का नाम

नेशनल हेल्थ एंड एजेंसी नॉटीसीटी वीर सावरकर मार्ग, माहिम, बम्बई-400016

यह अधिनियमा दिनांक 1-4-94 से 31-3-96 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संबंध के लिए लागू नहीं होगा।

2. संगठन को नुसार दिया जाता है कि वे अनुसोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निवेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिवेशक (छूट), कफकता को तीन प्रतियों में आवेदन कर, अनुसोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को 6 प्रतियों समिति, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करता है।

[संख्या : 1080 (पक.सं. म.नि./आ.क. (छूट) एम 132/35(1)II/90]

राजेश्वर मिश्र, उप निवेशक

Calcutta, the 11th April, 1994

INCOME TAX

S.O. 2828.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110019 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

National Health and Education Society,
Veer Savarkar Marg, Mahim,
Bombay-400016.

This Notification is effective for the period from 1-4-1994 to 31-3-1996.

Notes.—(1) Conditions (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1080/F. No. DGIT(E)/M-132/35(1)(ii)/90]

R. SINGH, Dy. Director

कलकत्ता, 11 अक्टूबर, 1994

आयकर

का.आ. 2829 :—सर्वोच्चारण का एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" संबंधी के मध्यांतर अनुसोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए यत्न नेत्रा विभाग रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान मम्मन्धी कार्यों का एक वायिक विवरण प्रत्येक विनीय वर्ष के लिए, प्रत्येक वर्ष के 31 भर्ते तक निर्दिष्ट, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मैहरीनी रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर प्रायुक्त/आयकर महानिदेशक (छूट) जिनके द्वेषाधिकार में उत्तर संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में की गई रिसर्च वियाकानाप सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

नवरोजी गोदरेज सेन्टर फार प्लान्ट रिसर्च, पीरोजेहा नगर, एल.बी.एस. मार्ग, वरोली, वम्बई-400079

यह अधिसूचना दिनांक 1-9-93 से 31-3-95 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त धारा (1) "मंत्र" जैसा मर्यादा के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर प्रायुक्त/आयकर निदेशक (छूट) जिनके द्वेषाधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता की तीन प्रतियों में आवेदन करें, अनुमोदन भी अवधि बढ़ाने के तरबंग में किए आवेदन-पत्र की 6 प्रतियों सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या: 1081/एफ.सं. म.नि./आ.क. (छूट)
एम-153/35(1)II/92]

गजेन्द्र सिंह, उप निदेशक

Calcutta, the 11th April, 1994

INCOME TAX

S.O. 2829.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions:—

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income tax Act, 1961.

NAME OF THE ORGANISATION

Naoroji Godrej Centre for Plant Research,
Pirojshanager, L B S Marg, Vikhroli,
Bombay-400079.

This Notification is effective for the period from 1-9-1993 to 31-3-1995.

Notes.—(1) Conditions (ii) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1081/F. No. DG. IT(E)/M-153/35(1)II/92]

R. SINGH, Dy. Director

कलकत्ता, 11 अप्रैल, 1994

आयकर

का.शा 2830:—मर्यादाधारण को पारदर्शन सूचित किया जाता है कि निम्नलिखित संगठन नो. आयकर अधिनियम, 1961 की धारा 35 की उपचारा (1) के मुद्दे (iii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित गती पर "मंत्र" मर्यादा के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अनुग्रह लेना अदियोग रहेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक विद्याय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग और (ग) आयकर प्रायुक्त/आयकर महानिदेशक (छूट) जिनके द्वेषाधिकार में उत्तर संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में की गई रिसर्च वियाकानाप सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय दिसात्र को भी प्रस्तुत करेगा।

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर प्रायुक्त/आयकर महानिदेशक (छूट) जिनके द्वेषाधिकार में उत्तर संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में की गई रिसर्च वियाकानाप सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय दिसात्र को भी प्रस्तुत करेगा।

संगठन का नाम

इंडियन नैशनल प्लायेटर, बास्टे मूच्चग्रन चेम्बर, सेकेंड फ्लोर, 19/21, अम्बालथी, दांपी मार्ग, बास्टे-100023

यह अधिसूचना दिनांक 1-4-94 से 31-3-95 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त धारा (1) "मंत्र" जैसा मर्यादा के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर प्रायुक्त/आयकर निदेशक (छूट) जिनके द्वेषाधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता की तीन प्रतियों में आवेदन करें, अनुमोदन भी अवधि बढ़ाने के संबंध में निए आवेदन-पत्र की 6 प्रतियों सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या: 1082/एफ.सं. म.नि./आ.क. (छूट) एम-50/35(1) (iii) 89]

गजेन्द्र सिंह, उप निदेशक

Calcutta, the 11th April, 1994

INCOME TAX

S.O. 2830.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 1st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Indian National Theatre,
Bombay Mutual Chamber,
Second Floor,
19/21-Ambalai Doshi Marg,
Bombay-400023.

This Notification is effective for the period from 1-4-1994 to 31-3-1995.

Notes.—(1) Conditions (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1082/F. No. DG/IT(E)/M.50/35(1)(iii)/89]

R. SINGH, Dy. Director

Calcutta, 13 April, 1994

आयकर

का०आ० 2831.—सर्वसाधारण की एवण्डारा यूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित घोरे पर "संस्था" मंत्रवर्ग के ग्रधीत ग्रन्तमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिर्यो रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक

वर्ष के 31 मई तक मन्त्रिय, वैज्ञानिक व प्रौद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू महर्गेनी गोड, नई दिल्ली-110016 को भेजेगा; और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित आयकर लेखा की प्रति (क) आयकर महानिदेशक (छट) (ख) सत्रिव, वैज्ञानिक तथा प्रौद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छट) जिनके भेजाविकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों अनुसंधान छट के बारे में लेखा परीक्षित आय-व्यय विवरण को भी प्रस्तुत करेगा।

संगठन का नाम

स्कॉल हॉस्टिल्यूट रिसर्च मोमायटी (रजिस्टर्ड) एन ब्लाक प्रेटर कैलाण-1 नयी दिल्ली-110048

यह अधिसूचना दिनांक 1-4-91 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी—1. उपर्युक्त शर्त (1) "वर्ष" जैसा संबंध के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छट) जिनके भेजाविकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छट), कलकत्ता को तीन प्रतियां में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और वौद्योगिक अनुसंधान विभाग द्वारा प्रस्तुत करना है।

[संध्या 1083/एफ. सं. म.नि /आ.क. (छट)
एनटी-12/35(1)(ii)/89]

राजेन्द्र मिह, उपनिदेशक

Calcutta, the 13th April, 1994

INCOME TAX

S.O. 2831.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by

the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Skin Institute Research Society (Regd.),
N-Block, Greater Kailash-I,
New Delhi-110048.

This Notification is effective for the period from 1-4-1994 to 31-3-1996.

Notes.—(i) Conditions (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1083/E. No. DG/IT/ND-12/35(1)(ii)/89]

R. SINGH, Dy. Director

कलकत्ता, 13 अप्रैल, 1994

आयकार

का. आ. 2832 — अवैसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के तात्पर (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारों द्वारा निम्नलिखित शर्तों पर "मंस्थान" संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा क्रिहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी व्यापारों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक मनिद, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रोद्योगिकी भवन" न्यू मेहराली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अप्रैल तक नेत्रा-परीक्षीत वार्षिक लेखा का प्रति (क) आयकर भाग्निदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयकर/आयकर भाग्निदेशक (छूट) जिनके भेजाधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-प्रतीक्षाद्वारा आवश्यक डिपार्टमेंट को भी प्रस्तुत करेगा।

संगठन का नाम

स्कीन इन्स्टिट्यूट रिसर्च टोसाईटी (रजि.)
एन-ब्लॉक, मेट्रो कैलाश-I, नई दिल्ली-110048

यह अधिसूचना दिनांक 1-4-1994 से 31-3-1996 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" ऐसा संवर्ग के लिए नाम नहीं होगा।

2. संगठन को सुमाय दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके भेजाधिकार में संगठन पड़ता है के माध्यम से आयकर भाग्निदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 1084/एफ.सं. म.नि./आ.क. (छूट)
एन.डी. 12/35(1)(ii)/89]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 13th April, 1994

INCOME TAX

S.O. 2832.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- The organisation will maintain separate books of accounts for its research activities ;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Skin Institute Research Society (Regd.),
N-Block, Greater Kailash-I,
New Delhi-110048.

This Notification is effective for the period from 1-4-1994 to 31-3-1996.

Notes.—(i) Conditions (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1084/E. No. DG/IT(E)/ND-12/35(1)(ii)/89]

R. SINGH, Dy. Director

कलकत्ता, 13 अप्रैल, 1994

आयकर

का.आ. 2833—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अवैतन विहित प्राविकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिरां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रोटोटाइपिकी भवन”, न्यू महरौली रोड, नई दिल्ली-16 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वैज्ञानिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आयुक्त हिलाब को भी प्रस्तुत करेगा।

संगठन का नाम

गोपेश टाईफिक रिसर्च फाउंडेशन,
64-65, नजफगढ़ रोड, नई दिल्ली-110015

यह अधिसूचना दिनांक 1-4-1992 से 31-3-1994 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (i) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सुझाव दिया जाता है कि वे अनुगोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करगा है।

[संख्या: 1085/एफ. सं. म.नि./आ.क. (छूट) एन. डी. 13/35(1)(ii)/89]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 13th April, 1994

INCOME TAX

S.O. 2833.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category “Institution” subject to the following conditions:—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, ‘Technology Bhawan’ New Mehrauli Road, New Delhi 110015 for every financial year by 31st May of each year;
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Ganesh Scientific Research Foundation,
64-65, Najafgarh Road,
New Delhi-110015.

This Notification is effective for the period from 1-4-1992 to 31-3-1994.

Notes.—(1) Conditions (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1085/F. No. DG/IT(E)/ND-13/35(1)(ii)/89]

R. SINGH, Dy. Director

कलकत्ता, 13 अप्रैल, 1994

आयकर

का.आ. 2834—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिये, आयकर नियम के नियम 6 के अधीन विहित

प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" संघर्ष के अनुमोदित किया गया है:—

(1) संगठन अनुसंधान कार्यों के लिये अवधि देखा बढ़ाया रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान गम्भन्धों कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू महरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा को प्रति (क) वायकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके द्वेषाधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 को धारा 35(1) में दी गई विसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय विस्तार को भी प्रस्तुत करेगा।

संगठन का नाम

पान ऐसियन मनेजमेन्ट एवं रूरल रिसर्च आरगेनाइजेशन
3सी/22, रोहतक रोड, नई दिल्ली-110005

यह अधिसंचार दिनांक 1-4-1994 से 31-3-1996 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. आयुक्त शर्त (1) "संघ" जैसा संघर्ष के लिये नाम नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निवेशक (छूट) जिनके द्वेषाधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), यलकसा को तोत प्रतियों में आवेदन करें, यदुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन-ग्रन्थ की 6 प्रतियों सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या: 1086 /ए. स. म.नि./प्रा.क. (छूट)
एन.डी. 65/35(i)III/90]

राजेन्द्र रिह, उप निदेशक

Calcutta, the 13th April, 1994

INCOME TAX

S.O. 2834.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions:—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

PAN Asian Management and Rural Research Organisation,
3C/22, Rohtak Road, New Delhi-110005.

This Notification is effective for the period from 1-4-1994 to 31-3-1996.

Notes.—(1) Conditions (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1086/F. No. DG/IT(E)/ND-65/35(i)(ii)90]

R. SINGH, Dy. Director

কলকাতা, 13 অক্টোবর, 1994

अधिकार

का आ. 2835.—सर्वसाधारण को एतदाय सुनित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की द्वारा 35 की उपधारा (1) के खण्ड (ii) के द्वारा आयकर नियम के नियम 6 के अधीन दिल्ली प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” संवर्ग के अधीन अन्वेषित किया गया है:—

(1) संगठन अनुसंधान कार्यों के लिये अलग लेखा अधियां रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक विद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू महरालो रोड, नई दिल्ली-110016 को भेजेगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वास्तिक लेखा की प्रति (क) आपकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक व्यवसायानिभाग, और (ग) आपकर आयकर/मायकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आपकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

सी.सी. सराफ रिसर्च इन्स्टिट्यूट,
903, अंबल भवन, कस्तूरबा गांधी मार्ग,
नई दिल्ली-110001

यह अधिसूचना दिनांक 1-1-1993 से 31-3-1995 तक की अवधि के लिए प्रभावी है।

टिप्पण : 1 उपपूरकता शर्त (1) "संबंध" जोसा संबंग के निए लाग नहीं होगा ।

2. संगठन को सुसाव दिया जाता है कि वे अनुभोदन को अवधि बढ़ाने के लिये आयकर, आयुक्त/प्रायकर निवेशक, (ठूट) जिनके क्षेत्राधिकार में संगठन पड़ता है तथा माध्यम से आयकर महानिवेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में

किये आवेदन-पत्र की ८ प्रतियां सचिव, वैज्ञानिक और श्रीद्योगिक अनुसंधान विभाग को प्रस्तुत करता है।

[संख्या: 1087 एक.सं.म.नि./श्रा.क. (छट) एन.
ई-61/35(i)(ii)/90]

राजेन्द्र तिहार, जा निदेशक

Calcutta, the 13th April, 1994

INCOME TAX

S.O. 2835.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehranli Road, New Delhi 110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

C.C. Shroff Research Institute,
903, Ansari Bhawan, Kasturba Gandhi Marg,
New Delhi-110001.

This Notification is effective for the period from 1-4-1993 to 31-3-1995.

Notes.—(1) Conditions (1) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1087/F. No. DG/IT(E)/ND-61/35(1)(ii)] 901

R. SINGH, Dy. Director

कलकत्ता, 19 अप्रैल, 1994

आयकर

का. ना. 2836.—सर्वेसाधारण को एतद्वारा सूचित किया जाता है कि निम्न लिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के छण्ड (ii) के तिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित गति पर "संस्थात" संघर्ष के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा वहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहराली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-पर्याप्ति वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम 1961 को धारा 35 (1) में वी गई रिसर्च कार्यों सम्बन्धित (छूट) के बारे में लेखा-पर्याप्ति आय-ज्यय दिसाव को भी प्रस्तुत करेगा।

संगठन का नाम

लोकमान्य भैडिकर रिसर्च सेंटर,
314 बी चिंचवड,
पुना-33

यह अधिसूचना विनांक 1-4-1991 से 31-3-1994 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त गति (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या: 1088/एफ. सं. म.नि./आ.क. (छूट)
एम-107/35(1)II/90]

राजेन्द्र सिंह, उप निदेशक

Calcutta, the 19th April, 1994

INCOME TAX

S.O. 2836.—It is hereby notified for general information that the organisation mentioned below has been approved by the President Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Lokmanya Medical Research Centre,
314-B Chinchwad,
Pune-33.

This Notification is effective for the period from 1-4-1991 to 31-3-1994.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1088/F. No. DG/IT(E)/M-107/35(1)(ii)/90]

R. SINGH, Dy. Director

कलकत्ता, 19 अगस्त, 1994

Calcutta, the 19th April, 1994

आयकर

का. आ. 3837.—राष्ट्रसंघारण को एवं द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की अधारा (1) के अंडे (iii) के लिए, आयकर नियम के नियम 6 के अवीन विहित आधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" संवर्ग के अधीन अनुमोदित किया गया है :-

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा वहियां रखेगा ।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रोटो-गिकी भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को मेजेंगा, और
- (iii) यह प्रत्येक वर्ष के 31 अप्रूवर तक सेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिवेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर भानिदेशक (छूट) जिनके शोकाविकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च कार्यों सम्बन्धित (छूट) के बारे में लेखा-परीक्षित आय व्यवहार को भी प्रस्तुत करेगा ।

संगठन का नाम

राष्ट्रीय वेदविद्या प्रतिष्ठान,
द्वितीय फ्लोर, 'बी' बिंग,
प्राधिकरण भवन, भरत पुरी, उड़ीसा,

यह अधिसूचना दिनांक 6-8-1993 से 31-3-1995 तक
को प्रवर्ति के लिए प्रभावी है ।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए¹ लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके शोकाविकार में उक्त संगठन पड़ता है के माध्यम से आयकर महानिवेशक (छूट), कलकत्ता को तीन प्रतियों में प्रावेदन करें, अनुमोदन की अवधि बढ़ाने के संदर्भ में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है ।

[संख्या : 1089/एक. स. म.नि./आ.क. (छूट)]

एन/टी. 120/35(1)(iii) 94]

राजेन्द्र सिंह, उप निदेशक

INCOME TAX

S.O. 2837.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Rashtriya Vedavidya Pratishthan,
2nd Floor, 'B' Wing,
Pradhikaran Bhawan,
Bharatpuri,
Ujjain.

This Notification is effective for the period from 6-8-1993 to 31-3-1995.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No 1089/F. No. DG/IT(E)/ND-120/35(1)(iii)94]

R. SINGH, Dy. Director

कलकत्ता, 19 अप्रैल, 1994

प्राप्तकर

का. आ. 2838—सर्वसाधारण को एन्ड्रूर्स सूचित किया जाता है कि निम्नलिखित संगठन को, आपकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए आपकर नियम के नियम 6 के अधीन विहित प्राविकारी द्वारा निम्नलिखित शर्तों पर “संस्थात” संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिर्यां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वापिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग “प्रौद्योगिकी भवन” अमेरिकी रोड, नई दिल्ली-110016 को संजोगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परिधिन अधिक लेखा की प्रति (क) आपकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आपकर आयुक्त/आपकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आपकर अधिनियम, 1961 की धारा 35 (1) में दी गई शिर्च कार्यों सम्बन्धी छूट के बारे में लेखा-परिधित आय-अय्य हिस्त्र विवर को भी प्रस्तुत करेगा।

संगठन का नाम

इकाईमिक एण्ड साइंटिफिक रिसर्च,
फाऊंडेशन, केडरेसन हाउस, टानसेन मार्ग,
नई दिल्ली-110001

यह अधिसूचना दिनांक 1-4-1990 से 31-3-1993 तक की अवधि के लिए प्रभागी है।

टिप्पणी:—1. उपर्युक्त शर्त (1) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।

(2) मंगठन को युक्त दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आपकर आयुक्त/आपकर निदेशक (छूट), जिनके क्षेत्राधिकार में मंगठन पड़ता है के माध्यम से आपकर महानिदेशक (छूट), कलान्तर को तीन प्रतिवर्षों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या: 1090/ए.फ.सं. म.नि./पा.क. (छूट)
एन.डी-68/35(1)(iii)/90]

राजेन्द्र सिंह, उपनिदेशक

Calcutta, the 19th April, 1994

INCOME TAX

S.O. 2838.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category “Institution” subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, ‘Technology Bhawan’ New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year; a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Economic and Scientific Research Foundation,

Federation House, Tansen Marg,
New Delhi-110001.

This Notification is effective for the period from 1-4-1990 to 31-3-1993.

NOTES : 1.—Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[N.O. 1090/F, No. DG/IT(E)/ND-68/35(1)(iii)/90]

R. SINGH Dy. Director.

कलकत्ता, 19 अप्रैल, 1994

Calcutta, the 19th April, 1994

आपकर

का. प्रा. 2839 :—संवर्गाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आपकर अधिनियम, 1961 की धारा 35 की उम्मीदगां (1) के बाण्ड (iii) के लिए, आपकर नियम के नियम 6 के अधीन विहित प्राविकारी द्वारा निम्नलिखित शर्तों पर "संस्थात" संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिर्यां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वापिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक संचित, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आपकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक नया औद्योगिक अनुसंधान विभाग और (ग) आपकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आपकर अधिनियम, 1961 की धारा 35 (1) में दी नई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-मय्य हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इकाईयांक एण्ड साईटफिल्स रिसर्च फाउण्डेशन
फेडरेपन हाऊस, नानसेन भार्ग,
नई दिल्ली-110001

यह अधिसूचना दिनांक 1-4-1993 से 31-3-1996 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को मुआव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आपकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को 6 प्रतियों सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करता है।

[संख्या:1091/एन.एफ.सं.म.नि./आ.क. (छूट) एनडी. 68/35(1)(iii)/90]

राजेन्द्र सिंह, उपनिदेशक

INCOME TAX

S.O. 2839.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Economic and Scientific Research Foundation,
Federation House, Tansen Marg,
New Delhi-110001.

This Notification is effective for the period from 1-4-1993 to 31-3-1996

NOTES : 1.—Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1091/F. No. DG/IT(E)/ND-68/35(1)(iii)/90]

R. SINGH, Dy. Director

कलकत्ता, 19 अप्रैल, 1994

Calcutta, the 19th April, 1994

आयकर

का. आ. 2840.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) में खंड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा-बहिष्टक रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिकी भवन” न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वाणिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

नेशनल इन्सटिट्यूट ऑफ इम्यूनोलॉजी,
शहीद जीत सिंह मार्ग,
नई दिल्ली-67

यह अधिसूचना दिनांक 1-4-1990 से 31-3-1992 तक की अवधि के लिए प्रभावी है।

टिप्पणी:—1. उपर्युक्त शर्त (1) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या: 1092(एफ.सं. म.नि./आ.क. (छूट)
एन.डी.-34/35(1)(ii)/89]

राजेन्द्र सिंह, उप निदेशक

INCOME TAX

S.O. 2840.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category “Institution” subject to the following conditions:

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

National Institute of Immunology,
Saheed Jeet Singh Marg,
New Delhi-67.

This Notification is effective for the period from 1-4-1990 to 31-3-1992.

Notes: (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1092/F. No. DG/IT(E)/ND-34/35(1)(ii)/89]

R. SINGH, Dy. Director

কলকাতা, 19 অক্টোবর, 1994

Calcutta, the 19th April, 1994

प्रायोक्तर

का. आ. 2341.—सर्वमाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को ग्रायकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए ग्रायकर नियम के तिथम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” संवर्ग के अधीन अनु-मोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग नेतृत्व बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान मर्बंधी कायो का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सन्तुलित, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मैक्सिको शहर, नई विल्सन-110016 को भेजा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छट), (ख) सचिव, वैज्ञानिक तथा ग्रीष्मोगिक अनुसंधान विभाग और (ग) आयकर आयकर/आयकर महानिदेशक (छट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों संबंधित छट के पारे में लेखा-परीक्षित ग्राम-ब्लॉक हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

लेगन इन्सिटियूट ऑफ इमूनोलॉजी,
शहीद जीत मिह मार्ग,
नई दिल्ली-६७

यह प्रतिवेदना दिनांक 1-4-1992 से 31-3-1995 तक की अवधि के लिए प्रभावी है।

टिणाणी : 1. उपर्युक्त घर्त (1) "संघ" जैसा संवर्ग के लिए लाग नहीं होगा ।

2. संगठन को सुमाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयकन/आयकर निदेशक (छठ) जिनके धेनाधिकार में संगठन पड़ता है के माध्यम से प्रायकर महानिदेशक (छठ), कलकत्ता को तीन प्रतियों में विभाजित करें, प्रनुमोदन की अवधि बढ़ाने के संबंध में किए गए विभाजन पत्र की 6 प्रतियां मचिब, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करता है।

[संख्या: 1093/(पाक.सं. म.नि.)आ.क. (छुट)]

ਪੰਜਾਬ 84/ 35(1)(ii)/89]

राजेन्द्र मिह, उपनिदेशक

INCOME TAX

INCOME TAX

S.O. 2841.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category “Institution” subject to the following conditions:

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mathura Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/ Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

National Institute of Immunology,
Saheed Jeet Singh Marg,
New Delhi-67

This Notification is effective for the period from 1-4-1992 to 31-3-1995.

Notes: (!) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1093/E, No. DG/IT(E)/ND-34/35(1)(ii)|89]

R. SINGH, Dy. Director

कलकत्ता, 29 अप्रैल, 1994

Calcutta, the 20th April, 1994

आयकर

का.आ. 2842:—संवेसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के वर्ण (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” संबंध के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा वहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिकी भवन” न्यू मेहराली, रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्च कार्यों से सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

कल्यानी गोरखशन ट्रस्ट,
240-एफ शनिवार पेथ,
कल्यानी करद, डिस्ट्रिक्ट सतारा।

यह अधिसूचना दिनांक 1-4-1993 से 31-3-1994 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) “संघ” जैसा संबंध के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियों सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[मर्यादा: 1094/एफ.सं. म.नि./आ.क. (छूट)
एम.-125/35(1)(ii)/90]

राजेन्द्र मिह, उपनिदेशक

INCOME TAX

S.O. 2842.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category “Institution” subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Kalyani Gorakshan Trust,
240-F, Shaniwar Peth,
Kalyani Karad, District Satara.

This Notification is effective for the period from 1-4-1993 to 31-3-1994.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1094/F. No. DG/IT(T)/M-125/35(1)(ii)/90]

R. SINGH, Dy. Director

कलकत्ता, 20 अप्रैल, 1994

Calcutta, the 20th April, 1994

आयकर

का. आ. 2843.—संसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अनुमोदन (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिकी भवन” न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) इस वार्षिक वर्ष के 31 अक्टूबर तक लेखा-पत्रांमध्ये वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) मेंसों गई रिसर्च कार्यों में सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यवहारिका विभाग को भी प्रस्तुत करेगा।

संगठन वा नाम

कल्यानी गोरखण्ठ ट्रूट्ट,
240 एफ, शनिवार पेथ,
कल्यानी करड, डिस्ट्र. सतारा।

यह अधिसूचना दिनांक 1-4-1994 से 31-3-1997 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सुमाव दिया जाता है कि वे अनुमोदन को अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में श्रावित करें, अनुमोदन का अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 1095/ (एफ. स. म.नि./आ.क. (छूट)
एम. 125/35(1) (ii)/90]
राजेन्द्र सिंह, उपनिदेशक

INCOME TAX

S.O. 2843.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category “Institution” subject to the following conditions:—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, “Technology Bhawan”, New Mehranli Road, New Delhi-110016 for every financial year by 31st May of each year;
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also ; copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Kalyani Gorakshan Trust,
240-F, Shaniwar Peth,
Kalyani Kurad, District Satara.

This Notification is effective for the period from 1-4-1994 to 31-3-1997.

NOTE : 1.—Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1095/F. No. DG/IT(E)/M-125/35(1)(ii)/90]

R. SINGH, Dy. Director

कलकत्ता, 20 अप्रैल, 1994

आधिकार

का. आ. 2884—संस्थाधारण को एन्ट्रीटा सूचित किया जाता है कि निम्न-निवित संगठन को, आधिकार अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्दर (ii) के लिए, आधिकार नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित भावों पर “संस्था” मंवर्ग के अन्वेषण अनुमोदित किया गया है:—

- (1) संगठन अनुसंधान कार्यों के लिए अलग लेखा बंदियां रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक संचित, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिकी भवन” नं. मेहराली रोड, नई दिल्ली—110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आधिकार महानिवेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आधिकार आरुका/आधिकार महानिवेशक (छूट) जिनके शोक्त्राधिकार में उक्त संगठन पड़ता है और आधिकार अधिनियम, 1961 की धारा 35(1) मेंदो गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आवध्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

सेन्ट्रल पावर रिसर्च इन्स्टिट्यूट,
पी.बी. नं., 9401, प्रोफे, सी.वी. भवन,
आर.एम.बी.एस्ट, स्टेज-II, बंगलोर-560094

यह अधिसूचना दिनांक 1-4-1994 से 31-3-1997 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) “संघ” जैसा संवर्ग के लिए सामूहिक नहीं होगा।

3. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आधिकार आरुका/आधिकार निवेशन (छूट) जिनके शोक्त्राधिकार में संगठन पड़ता है के माध्यम से आधिकार महानिवेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और

औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 1096 (एफ. स. म. नि./आ.क. (छूट)
के टॉ. 17/35(1)ii/90]

रामेंद्र सिंह, उप निदेशक

Calcutta, the 20th April, 1994

INCOME-TAX

S.O. 2844.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 under the category “Institution” subject to the following conditions:—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Central Power Research Institute,
P.B. No. 9401,
Prof. C. V. Raman Road, RMV Extn.,
Stage-II, Bangalore-560094.

This Notification is effective for the period from 1-4-1994 to 31-3-1997.

NOTES :

- (1) Condition (i) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1096/F. No. DG/IT(E)/KT-17/35(1)ii/90]
R. SINGH Dy. Director.

कलकत्ता, 21 अक्टूबर, 1994

आयकर

का. अ. 2845 :—सर्वसाधारण को प्रादृश्य प्रूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपाधा (1) के खण्ड (ii) के निम्न आयकर नियम के नियम 6 के अंतर्गत विद्वित प्राप्तिकारी द्वारा निम्नलिखित गतों पर “संस्था” संवर्ग के अधीन प्रत्योक्तित किया गया है :—

- (1) संगठन अनुसंधान आर्यों के लिए अलग लेखा वहियों रखेगा।
- (2) यह अपने वैज्ञानिक प्रत्युत्थान संबंधी कार्यों का एक वापिक विवरण प्रत्येक वित्तीय वर्ष के निम्न प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिकी भवन” न्यू मेहराली रोड, नई विल्सन 110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक नेतृत्वप्राप्ति वापिक लेखा की प्रति (क) आयकर भवनिंदेशक (छटा), (ii) सचिव, वैज्ञानिक तथा औद्योगिक प्रत्युत्थान विभाग आर (ग) आयकर आयुक्त/आयकर महानिंदेशक (छटा) जिनके अंतर्गत विभाग में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई विवरण कार्यों सम्बंधी छटा के बारे लेखा-परिवित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

मद्रास स्कूल ऑफ इकनॉमिक्स,
110, मार्केट रोड, गोपन्डी,
मद्रास-600032

यह अधिसूचना दिनांक 7-4-94 से 31-3-96 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त धारा (1) “संघ” जैसा गंवर्ग के लिए लागू नहीं होता।

2. संगठन का सुझाव दिया जाता है कि वे अनुमोदन को अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निंदेशक (छटा) जिनके अंतर्गत विभाग में संगठन पड़ता है के माध्यम से आयकर महानिंदेशक (छटा), कलकत्ता को तीन प्रतियों में आदेश करें, अनुमोदन को अवधि बढ़ाने के संबंध में किए आवेदन-

पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 1097 (एफ. सं. म.नि/आ.क. (छटा)
टा.एम. 56/कल 35(1)(iii)/93]
राजेन्द्र सिंह, उपनिदेशक

Calcutta, the 21st April, 1994

INCOME TAX

S.O. 2845.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category “Institution” subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110 016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Madras School of Economics,
110, Mount Road, Guindy,
Madras-600 032.

This Notification is effective for the period from 7-4-1994 to 31-3-1996.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1097/F. No. DG/IT(E)/TN-56/Cal/35(1)(iii)/93]

R. SINGH, Dy. Director.

कलकत्ता, 21 अक्टूबर, 1994

आयकर

का. अ. 2346 :—सर्वसाधारण को प्रादृश्य प्रूचित किया जाता है कि निम्नलिखित मंगठन को आयकर अधिनियम, 1961 की धारा 35 की उपाधा (1) के खण्ड (ii) के निम्न आयकर नियम के नियम 61

के अधीन विद्वित प्राधिकारी द्वारा निम्नलिखित जर्तों पर "संस्थान" संवर्ग के अधीन अनुमोदित किया गया है:—

- (1) मंगठन अनुसंधान कार्यों के लिए अलग लेखा बहिर्भाग रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान मन्दिरों कार्यों का एक वार्षिक विवरण प्रत्येक विनियम वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक संचित, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहराली रोड, नई दिल्ली — 110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा का प्रति (क) आयकर महानिदेशक (छठ), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त आयकर महानिदेशक (छठ) जिनके अधिकार में उक्त मंगठन पड़ता है और आयकर अधीनियम, 1961 की धारा 35 (1) में दी गई ग्रन्ति ग्रन्ति कार्यों सम्बन्धित छठ के बारे में लेखा पर्याप्त व्यापक विवर को भी प्रस्तुत करेगा।

मंगठन का नाम

वसीर सिल्पा फाउंडेशन फार स्टडी एंड रिसर्च इन
इन्वेस्टिगेशन डिजाइन संगठन
थेल्टर्ज रोड, अहमदाबाद-380054

यह अधिकृत दिनांक 1-4-1994 से 31-3-1997 तक की अवधि के लिए प्रभारी है।

टिप्पणी :— 1. उपर्युक्त जर्ता (1) "मंगठन" अर्थात् ग्रन्ति के लिए लागू नहीं होगा।

2. मंगठन को सूझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त आयकर निदेशक (छठ) जिनके अधिकार में मंगठन पड़ता है के माध्यम से आयकर महानिदेशक (छठ), कलकत्ता को तीन प्रतियों में शावेदन करें, अनुमोदन की अवधि बढ़ाने के मंबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या: 1098 (एफ.सं. म.नि./आ.क. (छूट)
जि-25/35(1)(ii)/90]
गजेन्द्र गिरि, उपनिदेशक

Calcutta, the 21st April, 1994

INCOME TAX

S.O. 2846.— is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of

Section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110 016 for every financial year by 31st May of each year, and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 1st October each year a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Vastu Shilpa Foundation for Studies
and Research in Environmental Design,
Sangath, Thaltej Road,
Ahmedabad-380 054.

This Notification is effective for the period from 1-4-1994 to 31-3-1997.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1098/F. No. DG/IT(E)/G-25/35(1)(ii)/90]
R. SINGH, Dy. Director.

कलकत्ता, 21 अप्रैल, 1994

आयकर

का. आ. 2847 :—गर्वसाधारण को एकद्वारा सूनित किया जाता है कि निम्नलिखित मंगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के ब्रह्म (ii) के लिए, आयकर नियम के नियम 6 के अधीन विद्वित प्राधिकारी द्वारा निम्नलिखित जर्तों पर "संस्था" मंबंध के अवधि अनुमोदित किया गया है:—

- (1) मंगठन अनुसंधान कार्यों के लिए अलग लेखा वित्तियों रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान मन्दिरों कार्यों का एक वार्षिक विवरण प्रत्येक विनियम वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक संचित, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहराली रोड, नई दिल्ली — 110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छठ), (ख) सचिव, वैज्ञानिक

नवा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई विवरण किया गया मन्त्रित छूट के बारे में लेखा-परीक्षित आय-अथवा हिमाच को भी प्रस्तुत करेगा।

संगठन का नाम

दिल्ली लाइब्रेरी नेटवर्क (डेक्सेट),
40 मैक्स मिलर मार्ग,
नई दिल्ली-110003

यह अधिसूचना दिनांक 28-10-1993 से 31-3-1995 तक की अवधि के लिए प्रभावी है।

टिप्पणी :— 1 उपर्युक्त धर्ता (1) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।

2 संगठन को मुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकता की तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां मन्त्रित, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[म. : 1099/प्रक.मं. म.नि./था.क. (छूट) एन डी-122/
35(1)(ii)/94]

राजेन्द्र सिंह, उपनिदेशक

Calcutta, the 21st April, 1994

INCOME TAX

S.O. 2847.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category “Institution” subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities ;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110 016 for every financial year by 31st May of each year, and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Delhi Library Network (DELNET),
40, Max Mueller Marg,
New Delhi-110 003.

This Notification is effective for the period from 28-10-93 to 31-3-1995.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1099/F. No. DG/IT(E)/ND-122/35(1)(ii)/94]

R. SINGH, Dy. Director

कलकत्ता, 21 अप्रैल, 1994

प्रायकर

का०आ० 2848.—सर्वसाधारण को एमद्वारा मुचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग ऐव्हा बहिर्भूत रखेगा ;

Calcutta, the 21st April, 1994

INCOME TAX

S.O. 2848.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

(ii) यह प्रपते वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व श्रीद्योगिक अनुसंधान विभाग "प्रोद्योगिकी भवन", न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा; और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा श्रीद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट), जिनके क्षेत्राधिकार में उन संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

कर्नाटिका स्टेट सीरिकलचर,
डेवलपमेंट इन्स्टिट्यूट, थालघटापुरा,
बंगलौर-560062

यह अधिसूचना दिनांक 1-4-1992 से 31-3-1995 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को मुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियां में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए गए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 1100 /एफ.सं. म.नि./आ.क. (छूट)
के.टी.-22/35(1)(ii)/90]

राजेन्द्र सिंह, उपनिदेशक

NAME OF THE ORGANISATION

Karnataka State Sericulture
Development Institute,
Thalaghattapura,
Bangalore-560 062.

This Notification is effective for the period from 1-4-1992 to 31-3-1995.

NOTES :

- Condition (i) above will not apply to organisations categorised as associations.
- The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 110/F. No. DG/IT(E)/KT-22/35(1)(ii)/90]
R. SINGH, Dy. Director.

कलकत्ता, 21 अप्रैल, 1994

Calcutta, the 21st April, 1994

आयकर

का.आ. 2849:—सर्वमाधारण को एनदब्ल्यूआर सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा-वहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेराउली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके अधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

गांधी लेवर इन्स्टिट्यूट
थालेज-ड्राईव इन रोड
मेमनगर, अहमदाबाद-380052

यह अधिसूचना दिनांक 1-4-1992 से 31-3-1994 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्तों (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को मुक्ताव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके अधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करनी हैं।

[संख्या 1101/एक.सं. म.नि./आ.क. (छूट)
जी-5/35(1)(iii)/89]

राजेन्द्र सिंह, उपनिदेशक

INCOME TAX

S.O. 2849.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Gandhi Labour Institute, Thaltej-Drive in Road, Memnagar, Ahmedabad-380052.

This Notification is effective for the period from 1-4-1992 to 31-3-1994.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1101/F, No. DG/IT(E)/G-5/35(1)(iii)/89]

R. SINGH, Dy. Director

कलकत्ता, 21 अप्रैल, 1994

Calcutta, the 21st April, 1994

आयकर

का. आ. 2850.—संवर्साधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “एमोसियर शन” संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा;
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिकी भवन”, न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा; और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट), जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आयात्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इंडियन मेडिकल साईंटिफिक रिसर्च, फाउण्डेशन
“श्रजय मनसन”,
अपो. सौराष्ट्र कोल्ड स्टोरेज, मालवीय रोड,
राजकोट-360002 (गुजरात)

यह अधिसूचना दिनांक 1-4-1994 से 31-3-1995 तक की अवधि के लिए प्रभावी है।

ट्रिप्पली : 1. उपर्युक्त शर्त (i) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुमाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करनी हैं।

[संख्या : 1102 /एफ. स. म.नि./आ.क. (छूट)
जी-50/35(1)(ii)/91]

राजेन्द्र सिंह, उपनिदेशक

INCOME-TAX

S.O. 2850.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category “Association” subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, “Technology Bhawan”, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Indian Medical Scientific Research Foundation, “Ajay Mansion”, Opp : Saurashtra Cold Storage, Malaviya Road, Rajkot-360002, Gujarat.

This Notification is effective for the period from 1-4-1994 to 31-3-1995.

NOTES :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisations. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1102/F. No. DG/IT(E)/G-50/35(1)(ii)/91]

R. SINGH Dy. Director

कलकत्ता, 21 अप्रैल, 1994

Calcutta, the 21st April, 1994

आयकर

का. आ. 2851.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहृत प्राधिकारी द्वारा निम्नलिखित शर्तों पर “मंस्त्या” प्रबंग के अधीन अनुमोदित किया गया है।

- (i) संगठन अनुसंधान कार्यों के लिये अलग सेवा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग “प्रौद्योगिकी भवन,” न्यू मेहराली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष को 31 अक्टूबर तक लेखा-परीक्षित वार्षिक सेवा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

टेक्नोलोजीकल नर्सिंग फार ओपटिक्स,
रिसर्च एण्ड डेवलपमेन्ट, डी-5 द्रोनाचार्य अपाटस,
मयूर विहार, फेस-1, एक्सटे. विल्ली-110091

यह अधिसूचना दिनांक 1-4-1993 से 31-3-1994 तक की अवधि के लिए प्रभावी है।

टिप्पणी :— 1. उपर्युक्त शर्त (1) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को सीन प्रतिवां में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतिवां सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 1103 (एफ. सं. म.नि./आ.क. (छूट)
एन.डी.-100/35(1)(ii)/92]

राजेन्द्र सिंह, उप निदेशक

INCOME TAX

S.O. 2851.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category “Institution” subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Technological Nursing for Optics Research & Development, D-5, Dronacharya Apts, Mayur Vihar, Phase-I Extn, Delhi-110091.

This Notification is effective for the period from 1-4-1993 to 31-3-1994.

NOTES : 1.—Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1103 (F. No. DG/IT(E)/ND-100/35(1)(ii)/92]

R. SINGH, Dy. Director

कलकत्ता, 21 अप्रैल, 1994

Calcutta, the 21st April, 1994

आयकर

का. आ. 2852 :—सर्वसाधारण को एलेक्ट्रोड्स द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित एवं पर “संस्था” संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा वहियां रखेगा;
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिकी भवन”, न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिवेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिवेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है, और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

टेक्नोलोजीकल नर्सिंग फार ऑप्टिक्स रिसर्च एंड डेवलपमेंट अपट्ट्स, मयूर विहार फेस 1, एक्स्ट्रो विल्सी-110091

यह अधिसूचना दिनांक 4-11-1994 से 31-3-1997 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त एवं (i) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।
 2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निवेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिवेशक (छूट) कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।
 [संख्या: 1104 (एफ. सं. म. नि. आ. क.)/(छूट) एनडी-100-35 (1) (ii) 92]

राजेन्द्र सिंह, उपनिवेशक

INCOME-TAX

S.O. 2852.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category “Institution” subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Technological Nursing for Optics Research & Development. D-5, Drenacharya Apts, Mayur Vihar, Phase-I Extn., Delhi-110091.

This Notification is effective for the period from 1-4-1994 to 31-3-1997.

NOTES :

1. Conditions (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and will in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1104 (F. No. DG/IT(E)ND-100/35(1)(ii)92]

R. SINGH, Dy. Director

कलकत्ता, 21, अप्रैल, 1994

Calcutta, the 21st April, 1994

आयकर

का. आ. 2853.—संवर्साधारण को एन्ड्रारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर 'एंजोसिएशन' संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा;
- (ii) यह अपने वैज्ञानिक अनुसंधान मन्त्रालय का एक वार्षिक विवरण प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहराली रोड, नई दिल्ली-110016 को भेजगा; और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखापरी-क्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक नथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके थोकाधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च क्रियाकलाप सम्बन्धित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

फाउंडेशन फार अप्लाइड रिसर्च इन कैन्सर, डी-131, पंचशील इनक्लेव, नई दिल्ली-110017

यह अधिसूचना दिनांक 1-4-94 से 31-3-96 तक की अवधि के लिए प्रभावी है।

टिप्पणी:—

1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके थोकाधिकार में संगठन पड़ता है को माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें। अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या 1105/ए स.म.नि./ग्रा.क. (छूट)/एनडी-54/35/ (1)(ii)/90]

राजेन्द्र सिंह, उपनिदेशक

INCOME-TAX

S.O. 2853.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions:—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Accounts in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Foundation for Applied Research in Cancer, D-131, Panchashheel Enclave, New Delhi-110017.

This Notification is effective for the period from 1-4-1994 to 31-3-1996.

NOTES :

1. Conditions (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1105|F. No. DG|IT(E)|ND-54|35(1)(ii)|90]

R. SINGH, Dy. Director

कलकत्ता, 28 अप्रैल, 1993

Calcutta, the 28th April 1994

प्राप्तकर

का.आ. 2854 :—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “असोशियेशन” संवर्ग के अधीन अनुमोदित किया गया है :—

- संगठन अनुसंधान कार्यों के लिए प्रबल लेखा वहियां रखेगा।
- यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वापिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक, अनुसंधान विभाग, “प्रौद्योगिकी भवन” न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वापिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ब) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर प्रायुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है श्रौत आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में लेखा-परीक्षित आप-ब्यप्र हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

गुजरात मेथोडिस्ट चर्च कार्डियोथोरेसिक प्रण
वसुकूलर रिसर्च सोसाईटी, मिशन रोड,
नदिद-387001

यह अधिसूचना दिनांक 1-4-1994 से 31-3-1996 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।

- संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर प्रायुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए गए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 1106/एफ.सं. म.नि./ग्रा.क. (छूट)/प्री-53/
35(1)(ii)/91]

राजेन्द्र सिंह, उप निदेशक

INCOME-TAX

S.O. 2854.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 under the category “Association” subject to the following conditions :

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Gujarat Methodist Church Cardiothoracic & Vascular Research Society, Mission Road, Niadiad-387091, Gujarat.

This Notification is effective for the period from 1-4-1994 to 31-3-1996.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1106]F. No. DG[IT(E)]G-53[35(1)(ii)]91]

R. SINGH, Dy. Director

शुद्धिपत्र

नई दिल्ली, 31 अगस्त, 1994

(आयकर)

का. आ. 2855.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा “भारतीय व्यापार संवर्धन संगठन, नई दिल्ली” को अधिसूचित करने वाली अपनी दिनांक 4-2-94 की अधिसूचना सं. 9471 (फा. सं. 197/84/93—आयकर नि. -I) में निम्नलिखित संशोधन करती है।

“भारतीय व्यापार संवर्धन संगठन, नई दिल्ली” के स्थान पर “भारतीय व्यापार मेला प्राधिकरण, नई दिल्ली” पढ़ा जाय।

[अधिसूचना सं. 9595/फा. सं. 197/67/94—आ. नि.-I]

साधना पवाडिया, अवर सचिव

CORRIGENDUM

(INCOME-TAX)

New Delhi, the 31st August, 1994

S.O. 2855.—In exercise of the powers conferred by sub-clause (V) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following modification in its Notification No. 9471 (F. No. 197/84/93-ITA-I) dated 4-2-94 notifying “India Trade Promotion Organisation, New Delhi”.

For :—India Trade Promotion Organisation,
New Delhi.Read :—Trade Fair Authority of India,
New Delhi.[Notification No. 9595/F. No. 197/67/94-ITA-I]
SADHNA PAVADIA, Under Secy.

शुद्धि पत्र

नई दिल्ली, 31 अगस्त, 1994

(आयकर)

का. आ. 2856.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा “भारतीय व्यापार संवर्धन संगठन, नई दिल्ली” को अधिसूचित करने वाली दिनांक 4-2-94 की अपनी अधिसूचना संख्या 9472 (फा. सं. 197/84/94—आयकर नि. -I) में निम्नलिखित संशोधन करती है।

कर निर्धारण वर्ष 1990-91 और 1991-92 के लिए “भारतीय व्यापार संवर्धन संगठन नई दिल्ली” नाम के स्थान पर “भारतीय व्यापार मेला प्राधिकरण, नई दिल्ली” पढ़ा जाय। कर निर्धारण वर्ष 1992-93 के लिए दिनांक 4-2-94 की अधिसूचना संख्या रद्द होगी।

[अधिसूचना सं. 9594/फा. सं. 197/67/94—आ. नि.-I]

साधना पवाडिया, अवर सचिव

CORRIGENDUM

New Delhi, the 31st August, 1994

(INCOME-TAX)

S.O. 2856.—In exercise of the powers conferred by sub-clause (V) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following modification in its Notification No. 9472 (F. No. 197/84/93-ITA-I) dated 4-2-94 notifying “India Trade Promotion Organisation, New Delhi”.

For Asstt. years 1990-91 and 1991-92 the name be read as ‘Trade Fair Authority of India, New Delhi’ instead of ‘India Trade Promotion Organisation, New Delhi’. For Asstt. year 1992-93 the notification dated 4-2-94 will hold good.

[Notification No. 9594/F. No. 197/67/94-ITA-I]

SADHNA PAVADIA, Under Secy.

नई दिल्ली, 20 सितंबर, 1994

(आयकर)

का. आ. 2857.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री सिंह विनायक गणपति मंदिर न्यास, बंबई” को कर-निर्धारण वर्ष 1992-93 से 1994-95 तक के लिए निम्नलिखित शर्तों के अध्यधीन रहते हुए उन उपखंड के प्रयोजनार्थी अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना को गई है;
- (2) कर-निर्धारित ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रब्र-रब्रावर में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं होता एवं कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9609/फा. सं. 197/64/94-आ. नि.-I]

साधना पवाडिया, अवर सचिव

New Delhi, the 20th September, 1994

(INCOME-TAX)

S.O. 2857.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Siddhi Vinayak Ganapati Temple Trust, Bombay" for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9609/F. No. 197/64/94-ITA-I]

SADHNA PAVADIA, Under Secy.

नई दिल्ली, 20 सितंबर, 1994

(आयकर)

का.प्रा. 2858.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री श्री जगद्गुरु शंकराचार्य महा संस्थानम् द्विक्षिणमय श्री शारदा पीठम्, शृंगेरी" को करनिधीरण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधिनीत रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) करनिधीरिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) करनिधीरिती ऊपर-उल्लिखित करनिधीरण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उभ-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक दो अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, कर्नीचर आदि के रूप में प्राप्त तथा रख-रखात में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा

अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त करनिधीरिती के उद्देश्यों की प्राप्ति के लिए प्रासादिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिभूतना सं. 9610/पा. स. 197/46/94-आ. नि.-I]

साधना पवाडिशा, अवर सचिव

New Delhi, the 20th September, 1994

(INCOME-TAX)

S.O. 2858.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Sri Jagadguru Sankaracharya Mahasamsthanam, Dakshinamanya, Sri Sharada Peetham, Sringeri" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9610/F. No. 197/46/94-ITA-I]

SADHNA PAVADIA, Under Secy.

CORRIGENDUM

Calcutta, the 22nd September, 1994

(INCOME-TAX)

S.O. 2859.—In Notification No./F. No. DG/IT(E)/M-155/35(1)(ii)/92 IT(E) dated 29-7-94 the name of the Research Organisation should be read as "Shivsadan Renewable Energy Research Institute" instead of Shivsadan Research Foundation, Sangh as mentioned in the notification dated 29-7-1994.

[No. DG/M-155/35(1)(ii)/92-IT(E)/1742—461]

P. C. BISWAS, Asstt. Director of Income-tax (Exemptions)

आर्थिक कार्य विभाग

(बैंकिंग प्रभाग)

नई दिल्ली, 30 सितम्बर, 1994

का.प्रा. 2860.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42 की उप-धारा (1) की अस्थाया खण्ड (ङ) के मद (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त मद के प्रयोजन के लिए कंपनी अधिनियम, 1956 (1956 का 1) के अधीन पंजीकृत कंपनी के रूप में "दि सिक्योरिटीज ट्रेडिंग कारपोरेशन आफ इंडिया लिमिटेड" नामक व्यक्तिय संस्था को अधिसूचित करती है।

[सं. 20/3/94वी०ओ०ग० (1)]

बी. ए.ल. सचदेव, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 30th September, 1994

S.O. 2860.—In exercise of the powers conferred by item (v) of clause (e) of Explanation to sub-section (1) of section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby notifies the financial institution known as "Securities Trading Corporation of India Limited" being a company registered under Companies Act, 1956 (1 of 1956), for the purposes of the aforesaid item.

[F. No. 20/3/94-BOA(i)]

B. L. SACHDEVA, Under Secy.

नई दिल्ली, 30 सितम्बर, 1994

का. आ. 2861.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42 की उप-धारा (1) की व्याख्या के खण्ड (ङ) के मद (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त मद के प्रयोजन के लिए कंपनी अधिनियम, 1956 (1956 का 1) के अधीन पंजीकृत कंपनी के रूप में "दि सिक्योरिटीज ट्रेडिंग कॉर्पोरेशन आफ इंडिया लिमिटेड" नामक वित्तीय संस्था को अधिसूचित करती है।

[फा. संख्या 20/3/94-बी. ओ. प. (ii)]

बी. एल. सचदेव, अवर सचिव

New Delhi, the 30th September, 1994

S.O. 2861.—In exercise of the powers conferred by item (vi) of clause (d) of Explanation to sub-section (1) of section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby notifies the financial institution known as "Securities Trading Corporation of India Limited" being a company registered under the Companies Act, 1956 (1 of 1956), for the purposes of the aforesaid item.

[F. No. 20/3/94-BOA(ii)]

B. L. SACHDEVA, Under Secy.

नई दिल्ली, 30 सितम्बर, 1994

का. आ. 2862.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 18 की उप-धारा (1) की व्याख्या के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त खण्ड के प्रयोजन के लिए कंपनी अधिनियम, 1956 (1956 का 1) के अधीन पंजीकृत कंपनी के रूप में "दि सिक्योरिटीज ट्रेडिंग कॉर्पोरेशन आफ इंडिया लिमिटेड" नामक वित्तीय संस्था को अधिसूचित करती है।

[फा. सं. 20/3/94-बी. ओ. ए. (iii)]

बी. एल. सचदेव, अवर सचिव

New Delhi, the 30th September, 1994

S.O. 2862.—In exercise of the powers conferred by clause (d) of Explanation to sub-section (1) of section 18 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government hereby notifies the financial institution known as "Securities Trading Corporation of India Limited", being a company registered under the Companies Act, 1956 (1 of 1956), for the purposes of the aforesaid clause.

[F. No. 20/3/94-BOA(iii)]

B. L. SACHDEVA, Under Secy.

नई दिल्ली, 30 सितम्बर, 1994

का. आ. 2863.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के खण्ड (अ) के साथ पठित धारा 18 के उप-खण्ड (1) की व्याख्या के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजन के लिए कंपनी अधिनियम, 1956 (1956 का 1) के अधीन पंजीकृत कंपनी के रूप में "दि सिक्योरिटीज ट्रेडिंग कॉर्पोरेशन आफ इंडिया लिमिटेड" नामक वित्तीय संस्था को अधिसूचित करती है।

[फा. संख्या 20/3/94-बी. ओ. ए. (iv)]

बी. एल. सचदेव, अवर सचिव

New Delhi, the 30th September, 1994

S.O. 2863.—In exercise of the powers conferred by clause (d) of Explanation to sub-section (1) of section 18 read with clause (i) of Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government hereby notifies the financial institution known as "Securities Trading Corporation of India Limited" being a company registered under the Companies Act, 1956 (1 of 1956), for the purposes of the aforesaid clause.

[F. No. 20/3/94-BOA(iv)]

B. L. SACHDEVA, Under Secy.

नई दिल्ली, 3 अक्टूबर, 1994

का. आ. 2864.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपर्याप्ति) स्कीम, 1980 के खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करते के पश्चात्, एतद्वारा श्री वी. पी. तनेजा को 1 अक्टूबर, 1994 से और 31 दिसम्बर, 1994 तक की अवधि के लिए या आन्ध्रा बैंक के अध्यक्ष एवं प्रबंध निदेशक की नियुक्ति किए जाने तक, जो भी पहले हो, आन्ध्रा बैंक के पूर्णकालिक निदेशक (कार्यकारी निदेशक के रूप में पदनामित) के रूप में पुनर्नियुक्त करती है।

[स. एफ. 9/24/93-बी. ओ. I]

एम. एस. सीतारामन, अवर सचिव

New Delhi, the 3rd October, 1994

S.O. 2864.—In pursuance of sub-clause (a) of clause 3 read with sub-section (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby reappoints Shri V. P. Taneja, as a whole time Director (designated as the Executive Director) of Andhra Bank for the period from 1st October, 1994 and upto 31st December, 1994, or till the appointment of the Chairman and Managing Director of Andhra Bank, whichever is earlier.

[F. No. 9/24/93-BO.I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 6 अक्टूबर, 1994

का. आ. 2865.—भारतीय औद्योगिक पुनर्निर्माण बैंक अधिनियम, 1984 (1984 का 62) की धारा 10 वीं उपधारा (1) के खंड (घ) के उप-खण्ड (ii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, श्री के. एन. आन्मारामानी, कार्यकारी व्यासी, भारतीय यूनिट ट्रस्ट, बंबई को डा. एम. ए. दवे के स्थान पर भारतीय औद्योगिक पुनर्निर्माण बैंक के निदेशक के रूप में नामित करती है।

[सं. एफ. 7/5/94-बी ओ-I(i)]

के. के. मंगल, अवर सचिव

New Delhi, the 6th October, 1994

S.O. 2865.—In pursuance of sub-clause (ii) of clause (d) of sub-section (1) of Section 10 of the Industrial Reconstruction Bank of India Act, 1984 (62 of 1984), the Central Government hereby nominates Shri K. N. Atmaramani, Executive Trustee, Unit Trust of India, Bombay as a Director of the Industrial Reconstruction Bank of India vice Dr. S. A. Dave.

[No. F. 7/5/94-BO.I(i)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 6 अक्टूबर, 1994

का. आ. 2866.—भारतीय औद्योगिक पुनर्निर्माण बैंक अधिनियम, 1984 (1984 का 62) की धारा 10 की उपधारा (1) के खंड (घ) के उप-खण्ड (iii) के अनुसरण में केन्द्रीय सरकार, एतद्वारा, निम्नलिखित सारणी के कालम (1) में निर्विष्ट व्यक्तियों को उक्त सारणी के कालम (2) में निर्विष्ट व्यक्तियों के स्थान पर भारतीय औद्योगिक पुनर्निर्माण बैंक के निदेशक के रूप में नामित करती है:—

सारणी

(1)

(2)

1. श्री आर. सी. कपूर,	डा. ए. के. भट्टाचार्य
ग्राह्यक्ष एवं प्रबंध निदेशक,	
यूनाइटेड बैंक ऑफ इंडिया	
2. श्री एम. दोरेस्वामी,	डा. ए. सी. शाह
ग्राह्यक्ष एवं प्रबंध निदेशक,	
सेंट्रल बैंक ऑफ इंडिया	
3. श्री एम. गोपाल कुण्डन,	श्री जे. वी. शेट्टी
ग्राह्यक्ष एवं प्रबंध निदेशक,	
इंडियन बैंक	
4. प्रबंध निदेशक,	प्रबंध निदेशक,
ब्रिटिश राज्य वित्तीय निगम,	उत्तर प्रदेश राज्य वित्तीय
पटना	निगम, लखनऊ

[फा. सं 7/5/94-बी ओ-I (ii)]
के. के. मंगल, अवर सचिव

New Delhi, the 6th October, 1994

S.O. 2866.—In pursuance of sub-clause (iii) of clause (d) of sub-section (1) of section 10 of the Industrial Reconstruction Bank of India Act, 1984 (62 of 1984) the Central Government hereby nominates the persons specified in column (1) of the Table below as directors of the Industrial Reconstruction Bank of India in place of the persons specified in column (2) of the said Table:—

TABLE

I	2
1. Shri R.C. Kapoor,	Dr. A. K. Bhattacharya,
Chairman & Managing Director,	
United Bank of India.	
2. Shri S. Doreswamy,	Dr. A. C. Shah
Chairman & Managing Director,	
Central Bank of India.	
3. Shri M. Gopalakrishnan,	Shri J. V. Shetty
Chairman & Managing Director,	
Indian Bank.	
4. Managing Director,	Managing Director,
Bihar State Financial	Uttar Pradesh State
Corporation, Patna.	Financial Corporation,
	Lucknow.

[No. F. 7/5/94-BO.I(ii)]

K.K. MANGAI, Under Secy.

उद्योग मंत्रालय

(भारी उद्योग विभाग)

नई दिल्ली, 29 सितम्बर, 1994

का. आ. 2867.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में निम्नलिखित कार्यालय को जिनके 80% कर्मचारियों ने हिन्दी का कार्य-साधक ज्ञान प्राप्त कर लिया है अधिसूचित करती है:—

भारत हेवी इलेक्ट्रिकल्स लिमिटेड,
जगदीशपुर,
जिला सुल्तानपुर,
उत्तर प्रदेश-227817

[सं. ई-11012(1)/92-हिन्दी]
ओ. पी. शरवर, उप-सचिव

MINISTRY OF INDUSTRY

(Department of Heavy Industry)

New Delhi, the 29th September, 1994

S.O. 2867.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office whereof 80 per cent staff have acquired the working knowledge of Hindi:—

Bharat Heavy Electricals Ltd.,
Jagdish Pur.
District Sultanpur,
Uttar Pradesh-227817.

[No. E. 11012(1)/92-Hindi]
O. P. SHARVAR, Dy. Secy.

बाणिज्य बंप्रासाद
(विदेश व्यापार महानिवेशालय)
नई दिल्ली, 6 अक्टूबर, 1994

का.आ. 2868.—मै. मैक्सेल एक्सिम प्रा.लि., मद्रास को लागत बीमा भाड़ा मूल्य के, रु. 15,17,00819/- (अमरीकी डालर 52,93,120) निर्यात आभार महित और जारी होने की तिथि से 12 महीने की वैधता अवधि के लिये मूल्य आधारित अग्रिम लाइसेंस सं. पी-एल/2050097 दिनांक 26-2-93 और डी ई ई सी बुक सं. 023873 (आई और ई) रु. 11,37,75,641/- अमरीकी डालर 39,69,839 की प्रदान किये गये थे। अब फर्म ने आयात प्रयोजन के लिये अग्रिम लाइसेंस और डी ई ई सी बुक सं. (दोनों भाग) की अनुलिपि इस आधार पर जारी करने के लिये आवेदन किया है कि अग्रिम लाइसेंस सं. पी/एल/2050097 तारीख 26-2-93 और डी ई ई सी बुक सं. 023873 (आई एण्ड ई) गुम हो गये हैं/खो गये हैं। फर्म ने अपेक्षित आवश्यक शपथ-पत्र प्रस्तुत किया है जिसके अनुमार उक्त लाइसेंस सीमाशुल्क, मद्रास के पास पंजीकृत था और अंशतः उपयोग किया गया था। शपथ पत्र में इस आशय की एक घोषणा भी शामिल की गई है कि उक्त लाइसेंस का बाद में पता लगने पर या उसके मिलने पर उसे जारी करने वाले प्राधिकारी को लौटा दिया जायेगा।

2. इस बात पर संतुष्ट हो जाने पर कि मूल अग्रिम लाइसेंस सं. पी/एल/2050097 दिनांक 26-2-93 और डी ई ई सी बुक सं. 023873 (आई और ई) खो गई हैं, विदेश व्यापार (विकास और विनियमन) अधिनियम 1992 की धारा 9 की उपधारा (4) में प्रदत्त शक्तियों का प्रयोग करते हुए मूल अग्रिम लाइसेंस सं. 2050097 दिनांक 26-2-93 और डी ई ई सी बुक सं. 023873 दिनांक 26-2-93 (आई और ई) एतद्वारा निरस्त करती हूँ तथा निर्देश देती हूँ कि आवेदन को लाइसेंस और डी ई ई सी बुक की अनुलिपि जारी की जाये।

[फाइल सं. 01/82/40/1355/एम 93/डी ई एस-6/1809]

श्रीमतो शुभा उप महानिदेशक, विदेश व्यापार
कृते महानिदेशक, विदेश व्यापार

MINISTRY OF COMMERCE

(Office of the Director General of Foreign Trade)

New Delhi, the 6th October, 1994

S.O. 2868.—M/s. Maxwell Exim P. Ltd., Madras were granted an value Based Advance Licence No. P/L/2050097, dt. 26-2-93 & DEEC Book No 023873 (I&E) for a cif value of Rs. 11,37,641 (US\$39,69,839) with an Export obli-

gation of Rs. 15,17,00,819 (US\$52,93,120) with a validity of 12 Months from the date of issue of the licence. Now, the firm has applied for grant of duplicate advance licence & DEEC Book (Both Part) for import purpose on the ground that advance licence No. P/L/2050097, dt. 26-2-93 & DEEC Book No. 023873 (I&E) have been Lost/Misplaced. The firm have furnished necessary Affidavit according to which the aforesaid licence was registered with Custom House, Madras & utilized Partly. A declaration has also been incorporated in the affidavit to the effect that if the said licence is traced or found later on, it will be returned to the issuing authority.

2. On being satisfied that the Original Advance Licence No. P/L/2050097, dt. 26-2-93 & DEEC Book No. 023873 (I & E) have been lost, the undersigned in exercise of the powers conferred in sub-clause (4) of clause 9 of the Foreign Trade (Development & Regulation) Act, 1992 hereby cancell the Original Advance Licence No. 2050097, dt. 26-2-93 & DEEC Book No. 023873, dt. 26-2-93 (I&E) and directed that duplicate licence & DEEC Book should be issued to the applicant.

[F. No. 01/82/40/1355/AM93/DES-VI/1809]
Mrs. SHUBHRA, Dy Director General of Foreign Trade
For Director General of Foreign Trade.

नई दिल्ली, 7 अक्टूबर, 1994

का.आ. 2869.—मै. एम एनर्जी टेक्नीक एण्ड हैल्कट्रानिक्स लिमिटेड, एस एम सेंटर अच्छेरी कुरला रोड, मरोल नाका, अच्छेरी (हैस्ट) बम्बई 400059 को 6,06,192/- अमरीकी डालर के निर्यात आभार बाले 1,38,55,836/रु. (4, 32,996 अमरीकी डालर) के लागत बीमा भाड़ा मूल्य के लिये लाइसेंस जारी होने की तारीख से 32 महीने की वैधता बाली डी ई ई सी बुक सं. 091596 दिनांक 6-1-1994 भाग-1 (आयात) और भाग-2 (निर्यात) सहित एक अग्रिम लाइसेंस सं. पी/एल/1526148 दिनांक 6-1-1994 प्रदान किया गया था, अब फर्म ने अग्रिम लाइसेंस (सीमा शुल्क/विनियम प्रयोजन प्रति (दोनों) और डी ई ई सी बुक (भाग-1) आयात) की दूसरी प्रति इस आधार पर प्रदान करने के लिये आवश्यक हलफनामा प्रस्तुत किया है जिसके अनुमार पूर्वोक्त अग्रिम लाइसेंस को सीमाशुल्क प्राधिकारी बम्बई सं पंजीकृत कराया गया था और 92,62,700/- रु., (2,89,460,10 अमरीकी डालर) के लिये इस्तेमाल किया गया था और लाइसेंस/डी ई ई सी बुक के लिये शेष लागत बीमा भाड़ा मूल्य 45,93,136/-रु. (1,43,535,90 अमरीकी डालर) है। हलफनामे में इस आशय की घोषणा भी समाविष्ट की गई है कि उक्त लाइसेंस/डी ई ई सी बुक का बाद में पता चलने पर या उसके मिलने पर उसे निर्गम प्राधिकारी को लौटा दिया जाएगा।

2. इस बात से संतुष्ट होने पर कि मूल अग्रिम लाइसेंस (सीमा शुल्क/विनियम प्रयोजन प्रति) (दोनों) और डी ई ई सी बुक (भाग-1 आयात) खो गई है, तो अग्रिम लाइसेंस (सीमा शुल्क/विनियम प्रयोजन प्रति) (दोनों) और डी ई ई सी बुक (भाग-1 आयात) की दूसरी प्रति केवल आवेदक

को जारी की जाए। विदेश व्यापार विकास और विनियमन) अधिनियम, 1992 की धारा 9 की उपधारा (4) में प्रदत्त अधिकारों का प्रयोग करते हुए मैं, [मूल अग्रिम लाइसेंस सं. पी/एल/1526148 दिनांक 6-1-1994 (सीमांशुल विनियमन प्रयोजन प्रति (वीनों) और डीईसी बुक सं. 091596 दिनांक 6-1-1994 (भाग--1 आधार) को एतद्वारा निरस्त किया जाता है।

[फा. सं. 01/81/40/1743/एम--94/डी ई एस/3/2436]

आर. के. सूद, उप महानिदेशक, विदेश व्यापार कूटे महानिदेशक, विदेश व्यापार

MINISTRY OF COMMERCE

Directorate General of Foreign Trade DES-III (Eng.) Section
New Delhi, the 7th October, 1994

S.O. 2869.—M/s. SM Energy Teknik & Electronics Limited, SM Centre, Andheri Killa Road, Marol Naka, Andheri (E), Bombay 400059 were granted an Advance Licence No. P/L/1526148, dated 6-1-1994 for CIF Value of Rs. 1,38,55,836/- (US\$4,32,996) with an Export Obligation of US\$6,06,193/- alongwith DEEC Book No. 091596 dated 6-1-1994 (Part I—Import) and II (Export) with a validity of 12 months from the date of issue of the Licence. Now the firm have applied for grant of duplicate of Advance Licence (Customs)/ Exchange purpose copy (both) and DEEC Book (Part-I Import) on the ground that the same have been lost/misplaced. The firm furnished necessary affidavit according to which the aforesaid Advance Licence was de-registered with Bombay Customs authority and was utilised for Rs. 92,62,700 (US \$ 2,89,460.10) and the balance CIF Value against the Licence/ DEEC Book is Rs. 45,93,136 (US \$ 1,43,535.90). A declaration has also been incorporated in the affidavit to the effect that if the said licence/DEEC Book are traced or found later on, the same will be returned to the Issuing Authority.

2. On being satisfied that the Original Advance Licence (Customs)/Exchange purpose copy (both) and DEEC Book (Part I-Import) have been lost, the undersigned directs that duplicate Advance Licence (Customs/Exchange purpose copy (both) and DEEC Book (Part I-Import) only should be issued to the applicant. I also in exercise of the powers conferred in sub-clause (4) of Clause 9 of the Foreign Trade (Development and Regulation) Act, 1992, hereby cancel the original Advance Licence No. P/L/1526148, dated 6-1-1994 (Customs)/Exchange purpose copy (both) and DEEC Book No. 091596, dated 6-1-1994 (Part I-Import).

[F. No. 01/81/40/1743/AM-94/DES-III/2436]

R. K. SOOD, Dy. Director,
For Director General of Foreign Trade

मानव संसाधन विकास मंत्रालय
(शिक्षा विभाग)

नई दिल्ली, 27 सितम्बर, 1994

का. आ. 2870.—केन्द्रीय मरकार याजमान (संघ के सरकारी प्रयोजनों के लिए) नियम 1976 के नियम 10 के उप-नियम (4) के अनुमति में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के अन्तर्गत विभिन्न विभिन्न केन्द्रीय विद्यालयों को जिनमें 80% से अधिक अमंजारियों ने हिन्दी का कार्यसाक्षक ज्ञान प्राप्त कर लिया है, अप्रमूलित बरती है।

(1) केन्द्रीय विद्यालय नं. 2
यायुध निर्माण,
देहरादून, पुणे—412113

(2) केन्द्रीय विद्यालय नं. 2
स्टेशन रोड,
कोटा—2

(3) क्षेत्रीय कार्यालय
केन्द्रीय विद्यालय संगठन,
देहरादून (उ. प्र.)

[सं. 11011/2/92—रा. भा. प.]
निशेन्दु ओझा, निदेशक (रा. भा.)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Education)

New Delhi, the 27th September, 1994

S.O. 2870.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (use for Official purposes of the union) Rules, 1976, the Central Government hereby notifies the following Kendriya Vidyalayas Under the Ministry of Human Resource Development (Department of Education more than 80 per cent staff of which has working knowledge of Hindi):—

1. Kendriya Vidyalaya No. 2,
Ordnance Factory,
Dehu Road, Pune-412113.
2. Kendriya Vidyalaya, No. 2,
Station Road,
Kota-2.
3. Regional Office,
Kendriya Vidyalaya, Sangathan,
Dehradoon (U.P.).

[No. 11011/2/92-O.L.U]
NISHENDU OJHA, Director (O.L.)

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 27 सितम्बर, 1994

का. आ. 2871.—यतः पेट्रोलियम और प्राकृतिक पाइपलाइन (भूमि में उपयोग के अधिकार का प्रर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिकारी का आ. आ. 1531 तारीख 14-7-93 हार्ग केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिलाने के प्रयोजन के लिए अर्जित करते का आनन्द शोषित कर दिया था।

और यतः सशम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी

और आगे यह केन्द्रीय सरकार ने उक्त रिपोर्ट पर दिवार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियम किया है।

ग्रन्थ, अन: अधिनियम की धारा 6 की उपशारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा योग्यता करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विकास के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे इस धारा की उपशारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित हो ने के बजाय अग्रम गैसकं. लि. में, सभी बाधाओं से मुक्त स्वप्र में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

दुर्लाला 8' (200 एच. एम.) अ. दो पाई लाईन मार्खोटा डिगेन यीड के बावजानों के लिए पाई लाईन विकास।

क्र.सं.	गाँव	तालुक	पाठा नं.	दाग नं.	परिया		मत्तव्य
					वि.	क.	
1	2	3	4	5	6	7	8
1.	2 नं. बोगबील गाँव	माकुम	सरकार	20	0	0	7
	प्रथम खण्ड		मियादी 10 नं.	22	0	3	17
			मियादी 28 नं.	24	0	2	8
			मियादी 62 नं.	26	0	4	6
			मियादी 139 नं.	27	0	2	11
			मियादी 123 नं.	36	0	1	13
			मियादी 70 नं.	37	1	0	14
			मियादी 48 नं.	38	0	1	13
			मियादी 90 नं.	39	2	1	18
			मियादी 109 नं.	57	0	1	17
			चाव मियादी 1 नं.	61	4	4	15
			कुल खेतफल		12	0	19
2.	2 नं. बोगबील गाँव	माकुम	मियादी 35 नं.	120	0	2	8
	प्रथम खण्ड		मियादी 69 नं.	121	0	2	6
			मियादी 36 नं.	122	1	0	3
			सरकार	144	0	0	7
			मियादी 150 नं.	407	0	1	19
			मियादी 37 नं.	123	0	3	6
			मियादी 8 नं.	408	0	2	17
			मियादी 115 नं.	126	0	0	7
			मियादी 49 नं.	127	0	4	19
			मियादी 72 नं.	128	0	2	13
			मियादी 110 नं.	129	0	4	2
			मियादी 30 नं.	130	0	3	11
			मियादी 106 नं.	131	2	2	3
			मियादी 132 नं.	132	0	3	15
			मियादी 85 नं.	133	0	1	17
			मियादी 43 नं.	139	0	4	19
			मियादी 85 नं.	136	0	0	12
			मियादी 43 नं.	137	0	0	3
			सरकार	230	0	0	11
			कुल खेतफल		9	3	18

1	2	3	4	5	6	7	8
3. 3 नं. बोरीबोल गांव		माकुम	मियादी 58 नं.	253	0	2	0
			मियादी 59 नं.	254	0	1	2
			मियादी 4 नं.	481	0	0	7
			मियादी 10 नं.	489	0	1	2
			कुल क्षेत्रफल		0	4	11
4. 4 नं. बोरीबोल गांव	प्रथम खण्ड	माकुम	सरकार	1	0	0	11
			सरकार	5	0	0	4
			सरकार	72	0	0	4
			सरकार	73	0	1	4
			सरकार	71	0	1	6
			मियादी 77 नं.	74	0	2	0
			मियादी 108 नं.	76	0	1	9
			मियादी 13 नं.	77	0	0	4
			मियादी 148 नं	69	0	1	19
			मियादी 54 नं	80	0	1	2
			मियादी 83 नं	66	0	1	19
			मियादी 3 नं.	82	0	3	8
			सरकार	84	0	0	7
			मियादी 52 नं.	86	1	0	8
			मियादी 52 नं.	93	0	1	0
			मियादी 52 नं.	92	0	0	13
			सरकार	136	0	0	7
			मियादी 87 नं.	94	0	4	6
			मियादी 105 नं.	120	0	2	4
			मियादी 149 नं.	118	0	1	17
			मियादी 65 नं.	117	0	2	19
			मियादी 39 नं.	112	0	3	15
			मियादी 144 नं.	110	0	2	19
			सरकार	98	0	0	7
			मियादी 109 नं.	109	0	2	8
			मियादी 130 नं.	105	0	3	2
			मियादी 128 नं.	104	0	2	2
			कुल क्षेत्रफल		9	4	4
5. 1 नं. बोरीबोल गांव	द्वितीय खण्ड	एकमना	505	0	2	13	
		मियादी 120 नं.	504	0	0	4	
		मियादी 50 नं.	443	0	4	1	
		मियादी 8 नं.	503	1	0	6	
		सरकार	502	0	0	6	
		मियादी 49 नं.	500	0	1	6	
		मियादी 62 नं.	444	0	1	6	
		मियादी 34 नं	499	0	1	9	

1	2	3	4	5	6	7
			मियादी 71 नं.	524	0	0 6
			मियादी 21 नं.	445	0	0 19
			सरकार	434	0	0 6
			मियादी 137 नं.	446	0	3 1
			एकसना	448	0	2 19
			एकसना	426	0	4 12
			मियादी 122 नं.	425	0	4 3
			सरकार	423	0	2 10
			मियादी 85 नं.	422	1	0 12
			मियादी 156 नं.	421	0	3 1
			मियादी 136 नं.	420	0	3 6
			मियादी 137 नं.	419	0	0 17
			मियादी 127 नं.	406	0	0 17
			मियादी 44 नं.	407	0	3 2
			मियादी 138 नं.	409	0	0 18
			मियादी 49 नं.	410	0	1 18
			कुल धोत्रफल		11	0 18
6.	डिग्बोई टाउन	माकुम	एकसना 136	1521	0	0 15
	प्रथम छाण्ड 5वां पृष्ठ		मियादी 159 नं.	1519	0	2 13
			मियादी 374 नं.	1517	1	0 18
			कुल धोत्रफल		1	4 6
7.	डिग्बोई टाउन	माकुम	मियादी 164 नं.	1962	0	1 9
	प्रथम छाण्ड 7वां पृष्ठ		एकसना 47 नं.	1968	0	2 5
			एकसना 48 नं.	1969	0	2 15
			सरकार	1970	0	2 1
			सरकार	1971	0	1 15
			एकसना 100 नं.	1972	0	0 7
			एकसना 100 नं.	1973	0	0 5
			सरकार	1958	0	7 12
			एकसना 96 नं.	1974	0	3 8
			सरकार	1975	0	2 12
			सरकार	1976	0	1 6
			एकसना 74 नं.	1978	0	1 17
			एकसना 21 नं.	1980	0	1 2
			एकसना 122 नं.	1981	0	0 6
			एकसना 122 नं.	1951	0	2 18
			सरकार	1982	0	4 8
			सरकार	1983	0	0 11
			सरकार	1984	0	3 11
			सरकार	1944	0	1 7
			एकसना 23 नं.	1987	0	3 3
			एकसना 39 नं.	1988	0	3 14
			एकसना 92 नं.	1933	0	0 6
			सरकार	1957	0	0 17
			सरकार	1945	0	0 10
			कुल धोत्रफल		9	0 5

1	2	3	4	5	6	7
8.	डिग्बोर्ड टाउन	मालूम	सरकार	2034	0	1 13
	प्रथम खण्ड 8वां पृष्ठ		एकसना 72 नं.	2043	0	0 8
			सरकार	2044	0	0 6
			सरकार	2287	0	0 3
			कुल क्षेत्रफल		0	2 10
9.	2 नं. वापुपोंग गांव	मालूम	एकसना	43	1	1 7
			सरकार	46	0	3 6
			सरकार	47	0	0 13
			एकसना	49	0	3 15
			सरकार	50	0	2 10
			सरकार	53	0	1 11
			एकसना	48	0	0 4
			एकसना	19	0	0 6
			एकसना	42	0	0 4
			सरकार	75	32	3 4
			कुल क्षेत्रफल		36	3 16
10.	डिग्बोर्ड टाउन	मालूम	सरकार	2958	0	4 14
	प्रथम खण्ड 10वां पृष्ठ		सरकार	2959	0	3 3
			कुल क्षेत्रफल		1	2 17

[सं. ओ.—12016/81/93-ओ एन जी डी-IV)]

एम. मार्टिन, डैस्ट्रक्ट्र अधिकारी

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 27th September, 1994

S.O. 2871.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1532 dated 15-7-1993 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Use in and) Act, 1962 (59 of 1962) the Central Government declared its intention to acquire the right of user in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

2295 GI '94—6.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that right of user in the said lands shall instead of vesting in the Central Government vests on this date of publication of this declaration in the Assam Gas Company Limited free from encumbrances,

LAND SCHEDULE

Laying of 8" (200 mm) O.D. underground natural gas pipe line from Kushijan to the tea gardens of Margherita Tea Gas Grid.

Sl. No.	Name of Village	Mouza	Patta No.	Dag No.	Area		Remarks
					B	K	
1	2	3	4	5	6	7	
1. 2 No. Borbill Village Ist Part	Makum						
			Waste Land	20	0	0	7
			P.P. No. 10	22	0	3	17
			P.P. No. 28	24	0	2	8
			P.P. No. 62	26	0	4	6
			P.P. No. 139	27	0	2	11
			P.P. No. 123	36	0	1	13
			P.P. No. 70	37	1	0	14
			P.P. No. 48	38	0	1	13
			P.P. No. 90	39	2	1	18
			P.P. No. 109	57	0	1	17
			T.P.P. No. 1	61	4	4	15
Total:				12	0	19	
2. 2 No. Borbill Village 2nd Part	Makum						
			P.P. No. 35	120	0	2	8
			P.P. No. 69	121	0	2	6
			P.P. No. 36	122	1	0	3
			Waste Land	144	0	0	7
			P.P. No. 150	407	0	1	19
			P.P. No. 37	123	0	3	6
			P.P. No. 8	408	0	2	17
			P.P. No. 115	126	0	0	7
			P.P. No. 49	127	0	4	19
			P.P. No. 72	128	0	2	13
			P.P. No. 110	129	0	4	2
			P.P. No. 30	130	0	4	11
			P.P. No. 106	131	0	2	3
			P.P. No. 128	132	0	3	15
			P.P. No. 85	133	0	1	17
			P.P. No. 43	139	0	4	19
			P.P. No. 85	136	0	0	12
			P.P. No. 43	137	0	0	3
			Waste Land	230	0	0	11
Total:				9	3	18	
3. 3 No. Borbill Village	Makum						
			P.P. No. 58	253	0	2	0
			P.P. No. 59	254	0	1	2
			P.P. No. 4	481	0	0	7
			P.P. No. 10	489	0	1	2
Total:				0	4	11	

1	2	3	4	5	6	7
4.	1 No. Birbill village Ist Part	Makum	Waste Land	1	0	0
			Waste Land	5	0	0
			Waste Land	72	0	0
			Waste Land	73	0	1
			Waste Land	71	0	1
			P.P. No. 77	74	0	2
			P.P. No. 108	76	0	1
			P.P. No. 13	77	0	0
			P.P. No. 148	69	0	1
			P.P. No. 54	80	0	1
			P.P. No. 83	66	0	1
			P.P. No. 3	82	0	3
			Waste Land	84	0	0
			P.P. No. 52	86	1	0
			P.P. No. 52	93	0	1
			P.P. No. 52	92	0	0
			Waste Land	136	0	0
			P.P. No. 87	94	0	4
			P.P. No. 105	120	0	2
			P.P. No. 149	118	0	1
			P.P. No. 65	117	0	2
			P.P. No. 39	112	0	3
			P.P. No. 144	110	0	2
			Waste Land	98	0	0
			P.P. No. 109	109	0	2
			P.P. No. 130	105	0	3
			P.P. No. 128	104	0	2
Total:				9	4	4
5.	1 No. Borbill Village 2nd Part		Annual	505	0	2
			P.P. No. 120	504	0	0
			P.P. No. 50	443	0	4
			P.P. No. 8	503	1	0
			Waste Land	502	0	0
			P.P. No. 49	500	0	1
			P.P. No. 62	444	0	1
			P.P. No. 34	499	0	2
			P.P. No. 71	524	0	0
			P.P. No. 21	445	0	0
			Waste Land	434	0	0
			P.P. No. 137	446	0	3
			Annual	448	0	2
			Annual	426	0	4
			P.P. No. 122	425	0	4
			Waste Land	423	0	2
			P.P. No. 85	422	1	0
			P.P. No. 156	421	0	3
			P.P. No. 136	420	0	3
			P.P. No. 419	419	0	0
			P.P. No. 137	406	0	0
			P.P. No. 44	407	0	3
			P.P. No. 138	409	0	0
			P.P. No. 49	410	0	1
Total:				11	0	18

नई दिल्ली, 29 सितम्बर, 1994

का.आ. 2872.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि हरियाणा राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाई के लिए एच.बी.जे. अप-प्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथारिटी और इंडिया द्वारा बिलाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उम पर प्रयोक्ता का अधिकार ग्रहण करने का मंशा की घोषणा करती है।

बताते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिलाने के विरोध में अपनी आपत्ति मक्षम प्राधिकारी, गैस अथारिटी और ईंडिया लि. एच.बी.जे. अप-प्रेडेशन गैस पाइप लाइन प्रोजेक्ट पी.डी.आर्टि.एन. बिल्डर, ए-14, सेक्टर-1, नौएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज करते समय किसी भी व्यक्ति को यह विशेष रूप में निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप में अथवा विधि व्यवसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

वाद-अनुसूची

एच.बी.जे. अप-प्रेडेशन पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगाना	मीजा	गांठ संख्या	अर्जित धोका	अन्य विवरण
1	2	3	4	5	6	7
फरीदाबाद	बल्लबगढ़	बल्लबगढ़	जाफरपुर-मजरा-	2/15	0-16	
			छाँयसा	16	3-4	
				24	0-12	
				25	2-19	
				3/11	0-12	
				20	0-5	
				5/4	0-4	
				5	0-6	
				7/1	1-19	
				7/2	1-0	
				8	0-14	
				13	3-2	
				14	0-8	
				18/1	0-14	
				18/2	2-14	
				19/2	0-4	
				22	2-11	
				23/1	0-10	
				7/16	1-1	
				25	3-0	
				8/1	0-3	
				2	3-6	
				9	1-1	
				10/1	1-10	

1	2	3	4	5	6	7
फरीदाबाद	बहलभगठ	बहलभगठ	जाफरपुर—मजरा	10/2	1-2	
			छांयसा चालू	11	3-11	
				20/1	1-15	
				20/2	0-12	
				21	0-5	
				13/5	3-0	
				6/3	3-0	
				13/7/1	0-5	
				14/1	0-15	
				14/3	0-15	
				15	1-10	
				16	0-2	
				17	3-1	
				24	2-1	
				28	0-6	
				30	0-4	
				30	0-5	
				बोग	58-4	
				एकड़	7.27	
				हेक्टर	2.94	
			साहपुरा खावर	26/3	0-4	
				4	1-16	
				7	1-0	
				8	3-10	
				12	1-0	
				13	3-0	
				18/1	0-2	
				18/2	0-5	
				18	3-10	
				21/1	0-6	
				21/2	1-8	
				22	2-4	
				34/5	0-2	
				6	2-8	
				14	1-0	
				15	2-17	
				16	0-7	
				17	3-11	
				23	2-4	
				24	1-13	
				35/1/1	0-13	
				1/2	3-0	
				10	1-8	
				39/2	0-6	
				3	3-10	
				8	1-12	

1	2	3	4	5	6	7
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सात्पुरा चालू	39/9	1-9
12	2-0	
13	1-0	
18	0-1	
19	3-0	
22	3-0	
46/2	3-6	
9	3-0	
11/2	0-1	
12	2-19	
19	2-0	
20/1	0-2	
20/2	0-18	
21/2	1-10	
22/1	1-10	
51/1	2-2	
2	0-18	
10	3-0	
11	3-0	
20/1	2-0	
20/2	1-0	
21	3-0	
58/5	0-18	
6	3-8	
14	1-8	
15	2-8	
16	0-6	
17	3-10	
23	0-8	
24	3-9	
59/1	2-18	
10	0-8	
64/3/1	1-14	
3/2	1-4	
4	1-0	
8	3-14	
9	0-2	
64/12	2-12	
13	1-4	
19	3-16	
21	1-14	
22	1-16	
6	1-10	
15	3-14	
16	2-6	
17	1-10	
24	3-15	

1	2	3	4	5	6	7
			साहपुरा चाल	70/25	0-2	
				71/1/1	2-4	
				71/1/2	1-12	
				71/10	2-6	
				71/11/1	0-2	
				78/3	9-10	
				78/4	3-2	
				78/7/2	0-10	
				78/8	3-5	
				78/12	0-6	
				78/13	3-10	
				78/18	1-5	
				78/19/1	1-2	
				78/19/2	1-10	
				78/21	0-2	
				78/22	3-14	
				82/15	0-2	
				83/1/1 2	1-15	
				83/1/2	0-4	
				83/2	1-15	
				83/10/1	0-12	
				83/10/2	3-2	
				83/11	1-15	
				83/23	0-4	
				83/99	0-8	
				83/128	0-5	
				83/138	0-4	
				योग	169-6	
				प्रकाश	21.16	
				हेक्टर	8. 56	

फरीदाबाद	मलावगढ़	बल्लबगढ़	शाहजहांपुर	43/5	0-5	
				43/6	2-12	
				43/15	3-16	
				43/16	1-18	
				43/17	1-18	
				43/24	3-8	
				44/10	2-0	
				47/3	1-10	
				47/4	2-5	
				47/7	0-2	
				47/8	3-13	
				48/12	0-12	
				47/13	3-3	
				47/18	0-10	

1	2	3	4	5	6	7
			गाहेश्वर (चालू)	४७/१९	३-५	
				४७/२१	०-१०	
				४७/२२	३-५	
				५८/६	०-१	
				५८/१५	२-१२	
				५८/१६	३-१५	
				५८/२४	२-५	
				५८/२५	१-१५	
				५९/१	३-०	
				५९/२	०-१५	
				५९/१०	३-१५	
				५९/११	१-२	
				६६/४	३-१५	
				६६/७	२-५	
				६६/८	१-१०	
				६६/१२	०-३	
				६६/१३	४-६	
				६६/१८	१-०	
				६६/१९	३-१०	
				६६/२१	२-३	
				६६/२२	२-५	
				७२/५	०-५	
				७२/६	३-२	
				७२/७/१	०-१	
				७२/१४	३-२	
				७२/१५	१-९	
				७२/१७	३-१२	
				७२/१८	०-१९	
				७२/२२	०-५	
				७२/२३	४-२	
				७२/२४	०-५	
				७३/१	४-५	
				७३/१०	०-१८	
				८३/२	३-१०	
				८३/३	०-१५	
				८३/९	३-३	
				८३/१०	१-२	
				८३/११/१	२-४	
				८३/११/२	१-१९	
				८३/१२	०-२	
				८३/२०	१-१०	
				८४/१६	२-१५	
				८४/२४	१-०	
				८४/२५	३-५	
				८४/४	२-१५	
				८४/५	०-५	
				८४/१०७	०-८	
				८४/१०८	०-१२	

योग १२२-३
प्रकार १५, २७
त्रैकट्टर ६, १८

1	2	3	4	5	6	7
ફરીદાબાદ	બલભગડ	બલભગડ	ભાયંકા	36/24	1-16	
				49/3	0-17	
				4	3-1	
				7	1-0	
				8/1	2-8	
				8/2	0-2	
				12	0-8	
				13/1	2-12	
				13/2	0-18	
				18/2	0-16	
				19	3-2	
				21	1-18	
				22	2-0	
				52/1	3-18	
				10	2-0	
				53/16	1-18	
				14/2	0-11	
				15	3-7	
				16	0-14	
				17/1	2-15	
				17/2	0-1	
				23	1-19	
				24	1-19	
				64/25	1-5	
				65/2	0-1	
				3	3-17	
				8	1-12	
				9/1	1-14	
				9/2	0-1	
				11	0-10	
				12/1	3-6	
				65/12/2	0-2	
				19	1-2	
				20	2-16	
				21	3-2	
				73/1	0-5	
				74/5	3-15	
				6	2-16	
				7	1-1	
				14/1	0-8	
				14/2	0-18	
				14/3	2-12	
				15/1	0-3	
				17	2-6	
				18	1-14	

1

2

3

4

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7

छांयसा-चालू	23/1	2-8
	23/2	1-12
	24	0-2
	84/16	0-8
	25	3-8
	85/2/1	0-2
	2/2	1-12
	3/1	1-3
	3/2	0-12
	8	0-1
	9	3-18
	11	2-10
	12	1-8
	20/1	3-2
	20/2	0-10
	21	0-12
	96/4	0-14
	5	3-4
	6/2	0-8
	7	3-12
	13	1-19
	14	2-8
	17	0-2
	18	3-16
	22/1	0-12
	22/2	0-5
	23	3-0
	103/15	0-7
	16/1	1-6
	16/2	1-18
	24	0-4
	25	3-14
	104/2	3-17
	3	0-1
	9/3	2-1
	10	1-17
	11	3-9
	20	0-14
	121/4/1	1-19
	4/2	0-2
	5/1	0-17
	7	3-2
	8/1	0-15
	13	3-14
	14	0-5
	18	3-8

1	2	3	4	5	6	7
			छायाचा (चालू)	121/19/2 22/2 22/3 23/1 126/15/2 16 24 25 127/1 2/1 9 10 11 20 149/4 5/1 7 8 13 14/1 18 19 22 23 153/15 16 24 25 154/1 2 9 154/10 11 20 180/4 5 7 284 286 289 299	0-10 1-3 2-5 0-10 0-12 3-18 0-2 3-15 0-10 3-8 0-10 3-8 3-6 0-10 2-9 1-10 3-8 0-10 2-14 1-4 3-14 0-6 2-12 1-8 1-0 3-8 0-10 3-9 0-2 3-16 1-6 2-12 2-18 1-10 3-8 0-12 2-10 0-10 0-12 0-8 0-16	
			जोड़	225-5		
			पांकड़	28.15		
			हैकटर	11.39		

New Delhi, the 29th September, 1994

S.O. 2878.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipe line in Haryana State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mine-

ral Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Up-gradation, Pipeline Project, P.D.I.L. Building, A-14, Sector-1, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

CASE SCHEDULE

H.B.J. Upgradation Pipe Line Project

District	Tehsil	Sub. Div. Pargana	Village	Killa No. Plot No.	Acquired Area in Bigha/Acres Kanal-Marla	Remarks
1	2	3	4	5	6	7
Faridabad	Ballabgarh	Ballabgarh	Jafarpur- Majra Chhansa	2/15 16 24 25 3/11 20 5/4 5 7/1 7/2 8 13 14 18/1 18/2 19/2 22 23/1 7/16 25 8/1 2 9 10/1 10/2 11 20/1 20/2 21 13/5 6/3 13/7/1 14/1 14/3 15 16 17 24 28 30 30	0-16 3-4 0-12 2-19 0-12 0-5 3-4 0-6 1-19 1-0 0-14 3-2 0-8 0-14 2-14 0-4 2-11 0-10 1-1 3-0 0-3 3-6 1-1 1-10 1-2 3-11 1-15 0-12 0-5 3-0 3-0 0-5 0-15 0-15 1-10 0-2 3-1 2-1 0-6 0-4 0-5	
				Total	58-4	
				Acres	7-27	
				Heaters	2.94	

1	2	3	4	5	6	7		
Faridabad	Ballabgarh	Ballabgarh	Sahupura Khadar	26/3 4 7 8 12 13 18/1 18/2 19 21/1 21/2 22 34/5 6 14 15 16 17 23 24 35/1/1 1/2 10 39/2 3 8 9 12 13 18 19 22 46/2 9 11/2 12 19 20/1 20/2 21/2 22/1 51/1 2 10 11 20/1 20/2 21 58/5 6 14 15 16 17	0-4 1-16 1-0 3-10 1-0 3-0 0-2 0-5 3-10 0-6 1-8 2-4 0-2 2-8 1-0 2-17 0-7 3-11 2-4 1-13 0-13 3-0 1-8 0-6 3-10 1-12 1-9 2-0 1-0 0-1 3-0 3-0 3-0 3-0 0-1 2-19 2-0 0-2 0-18 1-10 1-10 2-2 0-18 3-0 3-0 2-0 1-0 3-0 0-18 3-8 1-8 2-8 0-6 3-10			

1

2

3

4

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6

7

Sahupura	23	0-8
(Cont.)	24	3-9
59/1		2-18
10		0-8
64/3/1		1-14
3/2		1-4
4		1-0
8		3-14
9		0-2
64/12		2-12
13		1-4
19		3-16
21		1-14
22		1-16
70/6		1-10
15		3-14
16		2-6
17		1-10
24		3-15
25		0-2
71/1/1		2-4
1/2		1-12
10		2-6
11/1		0-2
78/3		9-10
4		3-2
7/2		0-10
8		3-5
12		0-6
13		3-10
18		1-5
19/1		1-2
19/2		1-10
21		0-2
22		3-14
82/15		0-2
83/1/1/2		1-15
1/2		0-4
2		1-15
10/1		0-12
83/10/2		3-2
11		1-15
123		0-4
99		0-8
128		0-5
138		0-4

Total 169-6
 Acres 21.16
 Hectar 8.56

1	2	3	4	5	6	7
Faridabad	Ballabgarh	Ballabgarh	Shahjahanpur	43/5	0-5	
				6	2-12	
				15	3-16	
				16	1-18	
				17	1-18	
				24	3-8	
				44/10	2-0	
				47/3	1-10	
				4	2-5	
				7	0-2	
				8	3-13	
				12	0-12	
				13	3-3	
				18	0-10	
				19	3-5	
				21	0-10	
				22	3-5	
				58/6	0-1	
				15	2-12	
				16	3-15	
				24	2-5	
				25	1-15	
				59/1	3-0	
				2	0-15	
				10	3-15	
				11	1-2	
				66/4	3-15	
				7	2-5	
				8	1-10	
				12	0-3	
				13	4-6	
				18	1-0	
				66/19	3-10	
				21	2-3	
				22	2-5	
				72/5	0-5	
				6	3-2	
				7/1	0-1	
				14	3-2	
				15	1-9	
				17	3-12	
				18	0-19	
				22	0-5	
				23	4-2	
				24	0-5	
				73/1	4-5	
				10	0-18	
				83/2	3-10	
				3	0-15	
				9	3-3	
				10	1-2	
				11/2	2-4	
				11/2	1-19	
				12	0-2	
				20	1-10	

1	2	3	4	5	6	7
Faridabad	Ballabgarh	Ballabgarh	Shahajahanpur	84/16	2-15	
				24	1-0	
				25	3-5	
				x/4	2-15	
				5	0-5	
				107	0-8	
				108	0-12	
			Total	122-3		
			Acres	15.27		
			Hector	6.18		
				36/24	1-16	
				49/3	0-17	
				4	3-1	
				7	1-0	
				8/1	2-8	
				8/2	0-2	
				12	0-8	
				13/1	2-12	
				13/2	0-18	
				18/2	0-16	
				19	3-2	
				21	1-18	
				22	2-0	
				52/1	3-18	
				10	2-0	
				53/6	1-18	
				14/2	0-11	
				15	3-7	
				16	0-14	
				17/1	2-15	
				17/2	0-1	
				23	1-19	
				24	1-91	
				64/25	1-5	
				65/2	0-1	
				3	3-17	
				8	1-12	
				9/1	1-14	
				9/2	0-1	
				11	0-10	
				12/1	3-6	
				65/12/2	0-2	
				19	1-2	
				20	2-16	
				21	3-2	
				73/1	0-5	
				74/5	3-15	
				6	2-16	
				7	1-1	
				14/1	0-8	
				14/2	0-18	
				14/3	2-12	
				15/1	0-3	

1	2	3	4	5	6	7
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Chhansa	17	2-6
Contd.	18	1-14
	23/1	2-8
	23/2	1-12
	24	0-2
	84/16	0-8
	25	3-8
	85/2/1	0-2
	2/2	1-12
	3/1	1-5
	3/2	0-12
	8	0-1
	9	3-18
	11	2-10
	12	1-8
	20/1	3-2
	20/2	0-10
	21	0-12
	96/4	0-14
	5	3-4
	6/2	0-8
	7	3-12
	13	1-9
	14	2-8
	17	0-2
	18	3-16
	22/1	0-12
	22/2	0-5
	23	3-0
	103/15	0-7
	16/1	1-6
	16/2	1-18
	24	0-4
	25	3-14
	104/2	3-17
	3	0-1
	9/3	2-1
	10	1-17
	11	3-9
	20	0-14
	121/4/1	1-19
	4/2	0-2
	5/1	0-17
	7	3-2
	8/1	0-15
	13	3-14
	14	0-5
	18	3-8
	121/19/2	0-10
	22/2	1-3
	22/3	2-5
	23/1	0-10
	126/15/2	0-12
	16	3-18

1	2	3	4	5	6	7
Chhansa	24		0-2			
(Contd.)	25		3-15			
	127/1		0-10			
	2/1		3-8			
	9		0-10			
	10		3-8			
	11		3-6			
	20		0-10			
	149/4		2-9			
	5/1		1-10			
	7		3-8			
	8		0-10			
	13		2-14			
	14/1		1-4			
	18		3-14			
	19		0-6			
	22		2-12			
	23		1-8			
	153/15		1-0			
	16		3-8			
	24		0-10			
	25		3-9			
	154/1		0-2			
	2		3-16			
	9		1-6			
	154/10		2-12			
	11		2-18			
	20		1-10			
	180/4		3-8			
	5		0-12			
	7		2-10			
	284		0-10			
	286		0-12			
	289		0-8			
	299		0-16			
Total		225-5				
		28.15				
		11.39				

[No. L-14016/9/94-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 29 सितम्बर, 1994

का. आ. 2873 जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि हरियाणा राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच. वी. जे. अप-ग्रेडेशन गैस पाइप लाइन डाली जाए और यह पाइप लाइन गैस अर्थात् आफ इण्डिया द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

ग्रन्त: पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड-3 के उपखण्ड (1) द्वारा प्रदत्त एकित्यों का प्रयोग करते हुए केन्द्र सरकार एवं द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त प्लॉमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथारिटी आफ इण्डिया लि. , एच. बी. जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट, पी. डी. आई. एल. बिल्डिंग, ए-14, सेक्टर-1, नौएडा, गाजियाबाद (उ. प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज करते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

वाद-अनुसूची

एच. बी. जे. अप-ग्रेडेशन पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना उप मण्डल	मौजा	गांठ संख्या कीना-झसरा	आर्जित क्षेत्र बीघा-एकड़/हेक्ट.	अन्य विवरण
1	2	3	4	5	6	7
फरीदाबाद	पलवल	पलवल	चान्दहूंद	32/7	0—1	
				14	1—0	
				17	3—0	
				24	3—2	
				52/4	3—0	
				6	0—5	
				7/1	0—10	
				7/2	2—6	
				14/2	1—2	
				15	1—15	
				16	2—17	
				17/1	0—5	
				25/1	0—12	
				25/2	1—3	
				25/3	1—6	
				54/5	1—12	
				15/1	1—16	
				15/2	1—4	
				16/1	3—0	
				25/2	0—18	
				25/3	1—10	
				25/4	0—2	
				25/5	0—10	
				89/20/2	0—5	
				21	0—10	
				90/5	3—0	
				6	3—0	
				15	2—14	
				16/1	2—16	
				25	2—10	
				94/5/2	1—15	
				6	1—8	

1	2	3	4	5	6	7
			प्राप्ति	15	1-2	
				16	0-12	
				25	0-5	
				95/1	1-5	
				10	1-12	
				11	1-18	
				20	2-8	
				21	2-15	
				128/1, 1	1-8	
				1/2	1-12	
				10/2	2-14	
				11	3-0	
				20	2-16	
				21/1	1-0	
				21/2	1-10	
				134/1	3-0	
				10	3-0	
				11	3-0	
				20	2-14	
				21	2-0	
				165/1	3-0	
				9	0-2	
				10	2-18	
				11/2	2-14	
				12	0-6	
				19	0-14	
				20/1	2-6	
				21/1	1-5	
				165/21/2	0-14	
				22/2	0-8	
				169/1/2	0-13	
				9	0-6	
				10	2-16	
				11	1-11	
				12	1-11	
				19	2-16	
				20	0-6	
				22	3-2	
				26	2-10	
				200/2/1	2-8	
				22	0-14	
				8	0-2	
				9	3-0	
				12	2-5	
				13	0-17	
				18/1	1-12	

1	2	3	4	5	6	7
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			आनंदहट	18/2	0-16	
				19	0-12	
				22	0-2	
				23	3-0	
				203/3	3-1	
				8	3-2	
				13	3-1	
				17	0-10	
				18	2-10	
				23/1	0-6	
				23/2	0-10	
				24	2-0	
				234/4	0-8	
				15	0-7	
				17	3-0	
				24	2-15	
				25	0-4	
				235/4	1-0	
				5	1-15	
				6	3-2	
				15	3-2	
				16	2-18	
				2	1-5	
				236/20	0-4	
				21	1-17	
				259/1	3-2	
				10/1	1-18	
				10/2	1-6	
				11	2-2	
				260/5	0-2	
				274	3-18	
				303	0-12	
				305	0-12	
				427	1-0	
				2149	0-8	
				2160	0-12	
				2169	0-6	
				2172	0-8	
				2177	0-6	
				2180	0-5	

		योग	189-5
		एकड़	23.65
		हैक्टर	9.57

1	2	3	4	6	7
फरीदाबाद	पलवल	पलवल	बिलोचपुर	32/19	0-11
				22	2-18
				41/2/1	2-1
				2/2	1-1
				9	3-0
				12	3-0
				13/1	0-1
				18	0-15
				19/1	2-6
				22	1-14
				23	1-2
				44/12	1-13
				3	1-1
				8	0-18
				9	2-2
				12	2-6
				13/1	0-14
				18	0-10
				19	2-4
				23	0-10
				92	0-4
				445	0-4
				94	0-8
					31-3
					3.893
					1.576
			सुलतानपुर	35/6/1	1-10
				6/2	1-14
				15	3-4
				16	3-0
				25/2	0-10
				25/3	1-0
				36/20	0-4
				21/1	1-0
				21/2	0-8
				53/1	2-10
				10/1	0-10
				10/2	2-12
				11/1	0-10
				11/2	0-10
				11/3	2-4
				20/1	0-4
				20/2	0-4
				20/3	1-2
				20/4	1-8

1	2	3	4	5	6	7
---	---	---	---	---	---	---

सूलतान पुर	21/2	3-4
	54/5/1	0-7
	5/2	0-6
	6/1	1-2
	56/1	2-10
	2/1	0-8
	9/2	0-6
	9/3	1-10
	10	1-0
	11/1	0-2
	12	3-2
	19	3-4
	22	3-4
	73/2/1	1-10
	2/2	2-16
	3/2	0-1
	8	0-12
	9	2-14
	12	1-10
	18	2-18
	19	0-10
	23/1	2-14
	23/2	0-16
	75/3	2-0
	4	1-10
	7	2-14
	16	0-2
	124	0-5
	408	0-4

योग	66-11
एकड़	8. 32
हैक्टर	3. 37

मिहोल	16/8	2-0
	13	3-0
	18/1	2-0
	18/2	0-13
	23/1	1-10
	23/2	1-10
	29/3	3-0
	8	3-0
	13	3-0
	18/1	3-0
	23/2	3-0
	30/3/1	0-14
	3/2	2-2

1	2	3	4	5	6	7
				8	3-0	
				13	3-0	
				18	3-0	
				23	2-17	
				24	0-4	
				45/3	1-11	
				4	1-11	
				7	2-15	
				8	0-5	
				14	1-14	
				17	0-4	
				99	0-10	
				400	0-4	
				योग	49-4	
				एकड़	6.16	
				हैक्टर	2.49	
फरीदाबाद	पलवल	पलवल	बड़ोली	3/11	0-16	
				19	1-0	
				20	2-2	
				21	1-0	
				22	2-2	
				6/1	सी-4	
				2	2-18	
				9	3-2	
				12	3-2	
				19/2	3-2	
				22/1	1-12	
				22/2	0-15	
				14/2/3	0-2	
				2/2	2-18	
				3	0-2	
				8	1-0	
				9/1	2-2	
				12/2	0-14	
				13	2-8	
				18	3-0	
				19	0-2	
				23	3-2	
				17/3	3-2	
				8	2-19	
				13	1-15	
				14	0-18	
				17/1	1-0	
				17/2	1-8	
				18/1	0-5	

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बढ़ीली	24	3-2
	30/4	3-2
	7	3 2
	14	2-5
	30/15	0-16
	16	1-16
	17	1-5
	24	0-5
	25 1	1-13
	25/2	1-3
	34/20	0-5
	21	1-7
	35/5	3-2
	6	3-2
	15	3-2
	16	3-2
	25	1-14
	50/5/2	0 . 5
	51/ 1	2-16
	10	3-1
	11/1	1-12
	11/2	1-9
	19	0-4
	20/1	2-8
	20/2	0-12
	21	2-2
	22/1	1-0
	54/1	0-14
	2	1-15
	9	3-2
	12	3-2
	19	3-2
	22/2	2-5
	22/3	0-16
	72/2	2-17
	3	0-8
	8/2	1-2
	92/9	1-19
	12/3	0-14
	13	2-8
	18	3-2
	23	3-2
	75/ 3	3-2
	7	0-4
	8	2-18
	13	2-1

1	2	3	4	5	6	7
फरीदाबाद	पलवल	पलवल	मढीली	14	1-0	
				17	2-11	
				18	0-10	
				24/1	2-1	
				24/2	1-0	
				93/4/1	1-5	
				4/2	1-16	
				7	2-17	
				14	2-15	
				15	0-6	
				16	1-14	
				17	1-7	
				24	0-5	
				25	2-16	
				95/5	2-16	
				191	0-16	
				194	0-12	
				190	0-4	
				560	0-4	
				567	0-4	
				योग	163-11	
				एकड़	20-4	
				हेक्टर	8.0	
			टीकरी गूजर	1/25	2-15	
				3/1	1-18	
				10/1	0-11	
				10/2	2-15	
				11	3-0	
				12	0-13	
				19/1	0; 11	
				19/2	2-10	
				20/1	0-10	
				22/1	0-12	
				22/3	2-13	
				22/2	0-4	
				23	0.1	
				4/5/1	0-4	
				5/2	1-8	
				6	0-2	
				12/2/1	0-15	
				2/2	0-17	
				3	1-13	
				8	3-12	
				9/1	0-1	

1	2	3	4	5	6	7
फरीदाबाद	पसवल	पलवल	टीकरी गूजर	13	3-0	
				14	0-13	
				18	0-11	
				45	0-14	
					31-31	
					3. 956	
					1. 601	
फरीदाबाद मीसा			59/23	0-4		
			60/3	0-1		
			4	2-16		
			7	3-4		
			14	3. 0		
योग				9-5		
एकड़				1. 16		
हेक्टर				0. 49		
चोड़ी			21/11	2-1		
			12/1	0-4		
			12/2	0-2		
			19/2	0-13		
			20	2-7		
			21	2-2		
			22/1	0-14		
			22/2	0-4		
			38/1	1-6		
			2	1-14		
			9/2	1-8		
			9/3	0-17		
			10	0-15		
			11	0-2		
			12	2-19		
			19	3-1		
			22	3-1		
			41/2	3-0		
			9	3-0		
			12/1	2-2		
			12/2	0-17		
			19/1	1-0		
			19/2	2-0		
			22	2-16		
			59/2	2-19		
			3/1	0-1		
			8/2	0-2		
			9	2-11		

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धोड़ी (चालू)	12	2-10
	13	0-10
	18	1-5
	19	1-15
	22	1-10
	23	1-10
	63/2	0-17
	3	2-3
	8	2-7
	9	0-13
	12	0-2
	13	2-18
	18	2-15
	23	1-15
	84/3	3-0
	8	3-0
	13	3-0
	18	3-0
	23	3-0
	89/3	3-0
	8	3-0
	13	3-0
	18	3-0
	23	3-0
	110/3	3-0
	8	2-18
	13	3-0
	18	3-0
	23	2-16
	24	0-4
	29	0-2
	115/3	2-0
	115/4	1.0
	7	1-15
	8	1-5
	13	0-16
	14	2-4
	17	2-18
	18	0-2
	23	0-1
	24/1	2-19
	135/3	0-5
	4	2-15
	7	2-7
	8	0-13
	13	1-0

1	2	3	4	5	6	7
			14		2-0	
			17		1-12	
			18		1-8	
			23		1-14	
			24		1-6	
			137/3		2-0	
			4		0-17	
			7		1-0	
			315		0-1	
			336		0-4	
			162		0-7	
			317		0-7	
			गोग		146-4	
			एकड़		18.275	
			ट्रैक्टर		7.396	

[सं० एस 14016/9/94-जीपी]
मध्येन्द्र सेन, भिदेशक

New Delhi, the 29th September, 1994

S.O. 2873.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipe line in Haryana State Pipelines should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mine-

ral Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Up-gradation, Pipeline Project, P.D.I.L. Building, A-14, Sector-1, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

CASE SCHEDULE

H.B.J. Upgradation Pipe Line Project

District	Tehsil	Sub. Div. Pargana	Village	Kila/Khasra Plot No.	Acquired Area in Bigha/Acres	Remarks Kanal-Marla
1	2	3	4	5	6	7
Faridabad	Palwal	Palwal	Chandhat	32/7 14 17 24 52/4 6 7/1 7/2 14/2 15 16	0-1 1-0 3-0 3-2 3-0 0-5 0-10 2-6 1-2 1-15 2-17	

1	2	3	4	5	6	7
			Chandhat	17/1	0-5	
				25/1	0-12	
				25/2	1-3	
				25/3	1-6	
				54/5	1-12	
				15/1	1-16	
				15/2	1-4	
				16/1	3-0	
				25/2	0-18	
				25/3	1-10	
				25/4	0-2	
				25/5	0-10	
				89/20/2	0-5	
				21	0-10	
				90/5	3-0	
				6	3-0	
				15	2-14	
				16/1	2-16	
				25	2-10	
				94/5/2	1-15	
				6	1-8	
				15	1-2	
				16	0-12	
				25	0-5	
				95/1	1-5	
				10	1-12	
				11	1-18	
				20	2-8	
				21	2-15	
				128/1/1	1-8	
				1/2	1-12	
				10/2	2-14	
				11	3-0	
				20	2-16	
				21/1	1-0	
				21/2	1-10	
				134/1	3-0	
				10	3-0	
				11	3-0	
				20	2-14	
				21	2-0	
				165/1	3-0	
				9	0-2	
				10	2-18	
				11/2	2-14	
				12	0-6	
				19	0-14	
				20/1	2-6	
				21/1	1-5	
				165/21/2	0-14	
				22/2	0-8	
				169/1/2	0-13	
				9	0-6	
				10	2-16	

1	2	3	4	5	6	7
			Chandhat	11	1-11	
				12	1-11	
				19	2-16	
				20	0-6	
				22	3-2	
				26	2-10	
				200/2/1	2-8	
				2/2	0-14	
				8	0-2	
				9	3-0	
				12	2-5	
				13	0-17	
				18/1	1-12	
				18/2	0-16	
				19	0-12	
				22	0-2	
				23	3-0	
				203/3	3-1	
				8	3-2	
				13	3-1	
				17	0-10	
				18	2-10	
				23/1	0-6	
				23/2	0-10	
				24	2-0	
				234/4	0-8	
				15	0-7	
				17	3-0	
				24	2-15	
				25	0-4	
				235/4	1-0	
				5	1-15	
				6	3-2	
				15	3-2	
				16	2-18	
				25	1-5	
				236/20	0-4	
				21	1-17	
				259/1	3-2	
				10/1	1-18	
				10/2	1-6	
				11	2-2	
				260/5	0-2	
				274	3-18	
				303	0-12	
				305	0-12	
				427	1-0	
				2149	0-8	
				2160	0-12	
				2169	0-6	
				2172	0-8	
				2177	0-6	
				2180	0-5	
			Total		189-5	
			Acres		23.65	
			Hector		9.57	

1 2 3 4 5 6 7

Faridabad	Palwal	Palwal	Bilochpur	32	0—11	
				19		
				22	2—18	
				41	2—1	
				2/1		
				2/2	1—1	
				9	3—0	
				12	3—0	
				13/1	0—1	
				18	0—15	
				19/1	2—6	
				22	1—14	
				23	1—2	
				44	1—13	
				2		
				3	1—1	
				8	0—18	
				9	2—2	
				12	2—6	
				13/1	0—14	
				18	0—10	
				19	2—4	
				23	0—10	
				92	0—4	
				445	0—4	
				94	0—18	
				TOTAL	31—3	
				ACRES	3.893	
				HECTARE	1.576	

Faridabad	Palwal	Palwal	Sultanpur	35"6/1	1—10	
				6/2	1—14	
				15	3—4	
				16	3—0	
				25/3	1—0	
				25/2	0—10	
				36"20	0—4	
				21/1	1—0	
				21/2	0—8	
				53"1	2—10	
				10/1	0—10	
				10/2	2—12	
				11/1	0—10	
				11/2	0—10	
				11/3	2—4	
				20/1	0—4	
				20/2	0—4	
				20/3	1—8	
				20/4	1—8	
				21/2	3—4	

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Faridabad	Palwal	Sultanpur	54"5/1	0—7		
			5/2	0—6		
			6/1	1—2		
			56"1	2—10		
			2/1	0—8		
			9/2	0—6		
			9/3	1—10		
			10	1—0		
			11/1	0—2		
			12	3—2		
			19	3—4		
			22	3—4		
			73"2/1	1—10		
			2/2	2—16		
			3/2	0—1		
			8	0—12		
			9	2—14		
			12	1—10		
			18	2—18		
			19	0—10		
			23/1	2—14		
			23/2	0—16		
			75/3	2—0		
			4	1—10	Road	Pacca
			7	2—14		1—0
			16	0—2		
			124	0—5		
			408	0—4		
			Total	66—11		
			Acres	8.32		
			Hecters	3.37		

Faridabad

Palwal

Palwal

Sihaul

16"8

2—0

13

3—0

18/1

2—0

18/2

0—13

23/1

1—10

23/2

1—10

29"3

3—0

8

3—0

13

3—0

18/1

3—0

23/2

3—0

30"3/1

0—14

3/2

2—2

8

3—0

13

3—0

18

3—0

23

2—17

24

0—4

45"3

1—11

1	2	3	4	5	6	7
			4	1—11		
			7	2—15		
			8	0—5		
			14	1—14		
			17	0—4		
			99	0—10		
			400	0—4		
			Total	49—4		
			Acres	6—15		
			Hectares	2.49		
Faridabad	Palwal	Palwal	Baroli			
			3/11	0—16		
			19	1—0		
			20	2—2		
			21	1—0		
			22	2—2		
			6/1	0—4		
			2	2—18		
			9	3—2		
			12	3—2		
			19/2	3—2		
			22/1	1—12		
			22/2	0—15		
			14/2/1	0—2		
			2/2	2—18		
			3	0—2		
			8	1—0		
			9/1	2—2		
			12/2	0—14		
			13	2—8		
			18	3—0		
			19	0—2		
			23	3—2		
			17/3	3—2		
			8	2—19		
			13	1—15		
			14	0—18		
			17/1	1—0		
			17/2	1—8		
			18/1	0—5		
			24	3—2		
			30/4	3—2		
			7	3—2		
			14	2—5		
			15	0—16		
			16	1—16		
			17	1—5		
			24	0—5		
			25/1	1—13		
			25/2	1—3		
			34/20	0—5		
			21	1—7		
			35/5	3—2		
			6	3—2		
			15	3—2		
			16	3—2		
			25	1—14		

1	2	3	4	5	6	7
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50/5/2	0—5
51/1	2—16
10	3—1
11/1	1—12
11/2	1—9
19	0—4
20/1	2—8
20/2	0—10
21	2—2
22/1	1—0
54/1	0—14
2	1—15
9	3—2
12	3—2
19	3—2
22/2	2—5
22/3	0—16
72/2	2—17
3	0—5
8/2	1—2
9	1—19
12/3	0—14
13	2—8
18	3—2
23	3—2
75/3	3—2
7	0—4
8	2—18
13	2—1
14	1—0
17	2—11
18	0—10
24/1	2—1
24/2	1—0
93/4/1	1—5
4/2	1—16
7	2—17
14	2—15
15	0—6
16	1—14
17	1—7
24	0—5
25	2—16
95/5	2—16
191	0—16
	Total 163—11
	Acres 20.4
	Hectares 8.0
194	0—12
190	0—4
560	0—4
567	0—4

Faridabad	Palwal	Palwal	Tikri Gujar	1/25	2—15
				3/1	1—8
				10/1	0—11

1	2	3	4	5	6	7
Faridabad—Contd.	Palwal—Contd.	Tikri Gujarat—Contd.				
			10/2	2—15		
			11	3—0		
			12	0—13		
			19/1	0—11		
			19/2	2—10		
			20/1	0—10		
			22/1	0—12		
			22/2	2—13		
			22/3	0—4		
			23	0—1		
			4	0—4		
			5/1			
			5/2	1—8		
			6	0—2		
			12	0—15		
			2/1			
			2/2	0—17		
			—	—		
			3	1—13		
			8	3—12		
			9/1	0—1		
			13	3—0		
			14	0—13	Acres 3,956	
			18	0—11	Hect. 1,601	
			45	0—14		
					Total 31—13	
Faridabad	Palwal	Palwal	Farizabad Misa (Misa)	59/23	0—4	
				60/3	0—1	
				4	2—16	
				7	3—4	
				14	3—0	
					Total 9—5	
					Acres 1—16	
					Hectares 0—49	
Faridabad	Palwal	Palwal	Ghori	21/11	2—1	
				12/1	0—4	
				12/2	0—2	
				19/2	0—13	
				20	2—7	
				21	2—2	
				22/1	0—14	
				2/22	0—4	
				38/1	1—6	
				2	1—14	
				9/2	1—8	
				9/3	0—17	
				10	0—15	
				11	0—2	
				12	2—19	
				19	3—1	
				22	3—1	
				41/2	3—0	
				9	3—0	

1	2	3	4	5	6	7
Paridabad--Contd.	Pajwal--Contd	Ghori--Contd.				
			12/1	2--2		
			12/2	0--17		
			19/1	1--0		
			19/2	2--0		
			22	2--16		
			59/2	2--19		
			3/1	0--1		
			8/2	0--2		
			9	2--11		
			12	2--10		
			13	0--10		
			18	1--5		
			19	1--15		
			22	1--10		
			23	1--10		
			63/2	0--17		
			3	2--3		
			8	2--7		
			9	0--13		
			12	0--2		
			13	2--18		
			18	2--15		
			23	1--15		
			84/3	3--0		
			8	3--0		
			13	3--0		
			18	3--0		
			23	3--0		
			89/3	3--0		
			8	3--0		
			13	3--0		
			18	3--0		
			23	3--0		
			110/3	3--0		
			8	2--18		
			13	3--0		
			18	3--0		
			23	2--16		
			24	0--4		
			29	0--2		
			115/3	2--0		
			4	1--0		
			7	1--15		
			8	1--5		
			13	0--16		
			14	2--4		
			17	2--18		
			18	0--2		
			23	0--1		
			24/1	2--19		
			135/3	0--5		
			4	2--15		
			7	2--7		
			8	0--13		
			13	1--0		

1	2	3	4	5	6	7
Faridabad	Palwal	Palwal	Ghori	14	2—0	
				17	1—12	
				135/18	1—8	
				23	1—14	
				24	1—6	
				137/3	2—0	
				4	0—17	
				7	1—0	
				315	0—1	
				336	0—4	
				162	0—7	
				317	0—7	
				Total	146—4	
				Acres	18.275	
				Hect.	7.396	

[No.-14016/9/94.GP.]

ARDHENDU, SEN, Director

नई दिल्ली, 3 अक्टूबर, 1994

का.आ. 2874.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस ला ने के लिए एच.बी.जे. अप-ग्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अर्थात् ऑफ इंडिया द्वारा बिलाना जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एवं द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत शाश्वत लाइन बिलाने के विरोध में अपनी आपनी सक्षम प्राधिकारी, गैस अर्थात् ऑफ इंडिया लि., एच.बी.जे. अप-ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट बी.डी.आई.एल. बिलिंग, ए-14 सेक्टर 1, नौएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज करते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना भत्त प्रस्तुत करना चाहता है।

वाद-अनुसूची

एच.बी.जे. अप-ग्रेडेशन पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	गाठा संख्या	अर्जित रुपये	ग्रन्थि विवरण वीधि/एकड़ि/हेक्टर
1	2	3	4	5	6	7
नारा	छाता	छाता	छाता	1938	0.0180	
				1931	0.0060	
				1934	0.3000	
				1933	0.4220	
				1932	0.0080	
				1935	0.0300	

1

2

3

4

5

6

7

मध्यरा	आता	आता	आता	1924	0.6870
				1921	0.5400
				1920	0.0030
				1919	0.0060
				1915	0.0030
				1916	0.0030
				1914	0.0240
				1910	0.3820
				1912	0.1260
				1911	0.6600
				1894	0.0030
				1893	0.0060
				1890	0.0600
				1891	0.0030
				1892	0.0240
				1963	0.0030
				1970	0.2400
				1969	0.3420
				1968	0.0060
				1967	0.1420
				1039	0.3500
				1038	0.3600
				1037	0.6360
				1036	0.0950
				1034	0.0740
				1015	0.3900
				1012	0.0030
				1011	0.0060
				1007	0.3900
				1008	0.0240
				1002	0.5900
				926	0.4900
				927	0.0030
				923	0.3100
				928	0.0030
				924	0.1270
				951	0.0600
				886	0.1320
				883	0.2280
				879	0.4600
				880	0.0720
				1996/867	0.0060
				867	0.1350
				866	0.4200
				862	0.1350
				859	0.2520

(1)	(2)	(3)	(4)
		860	0. 0060
		848	0. 1200
		847	0. 1920
		619	0. 0600
		818	0. 5700
		736	0. 2400
		735	0. 1040
		734	0. 1000
		733	0. 0060
		732	0. 1500
		730	0. 6240
		729	0. 0560
		728	0. 8080
		726	0. 0060
		762	0. 3600
		725	0. 3600
		658	0. 5400
		650	0. 0060
		663	0. 2040
		659	0. 0240
		661	0. 2190
		677	0. 0300
		724	0. 0120
		662	0. 0030
		678	0. 2400
		683	0. 0660
		566	0. 0200
		565	0. 7560
		564	0. 0750
		563	0. 1260
		530	0. 0030
		538	0. 7120
		540	0. 0060
		541	0. 0030
		542	0. 6900
		543	0. 1200
		520	0. 1080
		477	0. 1230
		476	0. 4490
कुल योग		77	18. 0950
प्रधान सेना			हेक्टेएक्टर
प्रधान सेना		44. 695	एक्टर
		71-10-04	बीधा

[संख्या ए.ल-14016/03/94-जी.पी.]
ग्रामीण सेना, निदेशक

New Delhi, the 3rd October, 1994

S.O. 2874.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H.B.J. Up-Gradation Gas Pipe line in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mine-

ral Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Up-gradation, Pipeline Project, P.D.I.L. Building, A-14, Sector-1, Noida, Ghaziabad, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

CASE SCHEDULE

H.B.J. UPGRADATION PIPE LINE PROJECT

District	Tehsil	Pargana	Village	Plot No.	Acquired Area in Hector	Remarks
1	2	3	4	5	6	7
Mathura	Chhata	Chhata	Chhata	1938	0.0180	
				1931	0.0060	
				1934	0.3000	
				1933	0.4220	
				1932	0.0080	
				1935	0.0300	
				1924	0.6870	
				1921	0.5400	
				1920	0.0030	
				1919	0.0060	
				1915	0.0030	
				1916	0.0030	
				1914	0.0240	
				1910	0.3820	
				1912	0.1260	
				1911	0.6600	
				1894	0.0030	
				1893	0.0060	
				1890	0.0600	
				1891	0.0030	
				1892	0.0240	
				1963	0.0030	
		Chhata		1970	0.2400	
				1969	0.3420	
				1968	0.0060	
				1967	0.1420	
				1039	0.3500	
				1038	0.3600	
				1037	0.6360	
				1036	0.0950	
				1034	0.0740	
				1015	0.3900	
				1012	0.0030	
				1011	0.0060	
				1007	0.3900	
				1008	0.0240	
				1002	0.5900	

1	2	3	4	5	6	7
			Chhata	926	0.4900	
				927	0.0030	
				932	0.3100	
				928	0.0030	
				924	0.1270	
				951	0.0600	
				886	0.1320	
				883	0.2280	
				879	0.4600	
				880	0.0720	
				1996/867	0.0060	
				867	0.1350	
				866	0.4200	
				862	0.1350	
				859	0.2520	
				860	0.0060	
				848	0.1200	
				847	0.1920	
				619	0.0600	
				818	0.5700	
				736	0.2400	
				735	0.1040	
				734	0.1000	
				733	0.0060	
				732	0.1500	
				730	0.6240	
				729	0.0560	
				728	0.8080	
				726	0.0060	
				752	0.3600	
				725	0.3600	
				658	0.5400	
				650	0.0060	
				663	0.2040	
				659	0.0240	
				661	0.2190	
				677	0.0300	
				724	0.0120	
				662	0.0030	
				678	0.2400	
				683	0.0660	
				566	0.0200	
				565	0.7560	
				564	0.0750	
				563	0.1260	
				530	0.0030	
				538	0.7120	
				540	0.0060	
				541	0.0030	
				542	0.6900	
				543	0.1200	
				520	0.1080	
				477	0.1230	
				476	0.4490	
			Total	77	18.0950 Hectare	
			OR		44.695 Acres	
			OR		71-10-94 Bigha	

नागरिक पूनि, उपभोक्ता मानने और सार्वजनिक वितरण मंत्रालय

भारतीय मानक अंगूरो

नई दिल्ली, 21 सितम्बर, 1994

का. आ. 2875—भारतीय मानक अंगूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड “ख” के अनुसरण में भारतीय मानक अंगूरो एन्ड्रेवारा अधिसूचित करता है कि नीचे दिए गए मानक (कों) में संशोधन किया गया है/किये गये हैं।

अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तारीख	
(1)	(2)	(3)	(4)
1. आई एस : 202-1981	संशोधन सं. 1 अप्रैल 1994	1994-04-30	
2. आई एस : 319-1989	संशोधन सं. 1 अप्रैल 1994	1994-04-30	
3. आई एस : 561-1978	संशोधन सं. 4 मई 1994	1994-05-31	
4. आई एस : 562-1978	संशोधन सं. 2 मई 1994	1994-05-31	
5. आई एस : 565-1984	संशोधन सं. 2 मई 1994	1994-05-31	
6. आई एस : 632-1978	संशोधन सं. 2 मई 1994	1994-05-31	
7. आई एस : 633-1985	संशोधन सं. 2 मई 1994	1994-05-31	
8. आई एस : 1051-1980	संशोधन सं. 3 मई 1994	1994-05-31	
9. आई एस : 1259-1984	संशोधन सं. 2 मई 1994	1994-05-31	
10. आई एस : 1312-1980	संशोधन सं. 1 मई 1994	1994-05-31	
11. आई एस : 1403 (भाग 1)-1993	संशोधन सं. 1 अप्रैल 1994	1994-04-30	
12. आई एस : 1877-1987	संशोधन सं. 4 मई 1994	1994-05-31	
13. आई एस : 1884-1993	संशोधन सं. 1 मई 1994	1994-05-31	
14. आई एस : 2335-1985	संशोधन सं. 1 अप्रैल 1994	1994-04-30	
15. आई एस : 2358-1984	संशोधन सं. 1 मई 1994	1994-05-31	

1	2	3	4
16.	आईएस : 2414-1991	संशोधन सं. 3 मार्च 1994	1994-04-30
17.	आईएस : 2567-1978	संशोधन सं. 2 मई 1994	1994-05-31
18.	आईएस : 2569-1978	संशोधन सं. 2 मई 1994	1994-05-31
19.	आईएस : 2834-1986	संशोधन सं. 4 अप्रैल 1994	1994-04-30
20.	आईएस : 2861-1980	संशोधन सं. 2 मई 1994	1994-05-31
21.	आईएस : 2863-1984	संशोधन सं. 2 मई 1994	1994-05-31
22.	आईएस : 2864-1984	संशोधन सं. 1 मई 1994	1994-05-31
23.	आईएस : 2865-1978	संशोधन सं. 6 मई 1994	1994-05-31
24.	आईएस : 2888-1983	संशोधन सं. 4 मई 1994	1994-05-31
25.	आईएस : 3284-1984	संशोधन सं. 2 मई 1994	1994-05-31
26.	आईएस 3347 (भाग 3, खंड 2)-1982	संशोधन सं. 2 अप्रैल 1994	1994-04-30
27.	आईएस : 3347 (भाग 2, खंड 2)-1992	संशोधन सं. 3 अप्रैल 1994	1994-04-30
28.	आईएस : 3575-1993	संशोधन सं. 1 अप्रैल 1994	1994-04-30
29.	आईएस : 3899-1981	संशोधन सं. 2 मई 1994	1994-05-31
30.	आईएस : 3903-1984	संशोधन सं. 2 मई 1994	1994-05-31
31.	आईएस : 3905-1966	संशोधन सं. 5 मई 1994	1994-05-31
32.	आईएस : 4199-1990	संशोधन सं. 3 मई 1994	1994-05-31
33.	आईएस : 4259-1967	संशोधन सं. 1 मई 1994	1994-05-31
34.	आईएस : 4384-1967	संशोधन सं. 1 अप्रैल 1994	1994-04-30
35.	आईएस : 4654-1993	संशोधन सं. 1 मई 1994	1994-05-31

1	2	3	4
36. आईएस : 4685 (भाग 2)-1984	संशोधन सं. 1 अप्रैल 1994		1994-04-30
37. आईएस : 4707 (भाग 1)-1988	संशोधन मं. 2 अप्रैल 1994		1994-04-30
38. आईएस : 4800 (भाग 1)-1968	संशोधन सं. 3 मार्च 1994		1994-03-31
39. आईएस : 4955-1993	संशोधन सं. 1 मई 1994		1994-05-31
40. आईएस : 5281-1979	संशोधन सं. 1 मई 1994		1994-05-31
41. आईएस : 5549-1970	संशोधन सं. 4 मई 1994		1994-05-31
42. आईएस : 5784-1970	संशोधन सं. 2 मई 1994		1994-05-31
43. आईएस : 5834 (भाग 3)-1981	संशोधन सं. 2 अप्रैल 1994		1994-04-30
44. आईएस : 5900-1970	संशोधन सं. 1 मई 1994		1994-05-31
45. आईएस : 6014-1978	संशोधन सं. 5 मई 1994		1994-05-31
46. आईएस : 6177-1981	संशोधन सं. 2 मई 1994		1993-05-31
47. आईएस : 6178-1982	संशोधन सं. 1 मई 1994		1994-05-31
48. आईएस : 6310-1971	संशोधन सं. 1 अप्रैल 1994		1994-04-30
49. आईएस : 7098 (भाग 1)-1988	संशोधन सं. 1 अप्रैल 1994		1994-04-30
50. आईएस : 7122-1987	संशोधन सं. 2 मई 1994		1994-05-31
51. आईएस : 7126-1973	संशोधन सं. 1 मई 1994		1994-05-31
52. आईएस : 7168-1973	संशोधन मं. 2 मई 1994		1994-05-31

इन संशोधनों की प्रतियां भारतीय मानक शूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई विल्सी-110005 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, चंडीगढ़ तथा मद्रास कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना और विवेन्द्रम, गोजियाबाद तथा फरीदाबाद में विकी हेतु उपलब्ध हैं।

[म. केन्द्र. वि. / 13 : 5]
पी.एस. दास, अपर महानिदेशक

Ministry of Civil Supplies, Consumer Affairs & Public Distribution

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 21st September, 1994

S.O. 2875 :—In pursuance of clause(b) of Sub-rule (1) or Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed has/have been issued.

SCHEDULE

Sl. No.	No. and year of the Indian Standard amended	No. and date of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 202 : 1981	Amendment No. 1 April 1994	94-04-30
2.	IS 319 : 1989	Amendment No. 1 April 1994	94-04-30
3.	IS 561 : 1978	Amendment No. 4 May 1994	94-05-31
4.	IS 562 : 1978	Amendment No. 2 May 1994	94-05-31
5.	IS 565 : 1984	Amendment No. 2 May 1994	94-05-31
6.	IS 632 : 1978	Amendment No. 2 May 1994	94-05-31
7.	IS 633 : 1985	Amendment No. 2 May 1994	94-05-31
8.	IS 1051 : 1980	Amendment No. 3 May 1994	94-05-31
9.	IS 1259 : 1984	Amendment No. 2 May 1994	94-05-31
10.	IS 1312 : 1980	Amendment No. 1 May 1994	94-05-31
11.	IS 1403 (Part 1) : 1993	Amendment No. 1 April 1994	94-04-31
12.	IS 1879 : 1987	Amendment No. 4 May 1994	94-05-31
13.	IS 1884 : 1993	Amendment No. 1 May 1994	94-05-31
14.	IS 2335 : 1985	Amendment No. 1 April 1994	94-04-30
15.	IS 2358 : 1984	Amendment No. 1 May 1994	94-05-31
16.	IS 2414 : 1991	Amendment No. 3 April 1994	94-04-30
17.	IS 2567 : 1978	Amendment No. 2 May 1994	94-05-31
18.	IS 2568 : 1978	Amendment No. 2 May 1994	94-05-31
19.	IS 2834 : 1986	Amendment No. 4 April 1994	94-04-30
20.	IS 2861 : 1980	Amendment No. 2 May 1994	94-05-31
21.	IS 2862 : 1984	Amendment No. 2 May 1994	94-05-31
22.	IS 2864 : 1984	Amendment No. 1 May 1994	94-05-31
23.	IS 2865 : 1978	Amendment No. 6 May 1994	94-05-31
24.	IS 2888 : 1983	Amendment No. 4 May 1994	94-05-31
25.	IS 3284 : 1984	Amendment No. 2 May 1994	94-05-31
26.	IS 3347 (Part 3/Sec 2) : 1982	Amendment No. 2 April 1994	94-04-30
27.	IS 3347 (Part 4/Sec 2) : 1982	Amendment No. 3 April 1994	94-04-30
28.	IS 3575 : 1993	Amendment No. 1 April 1994	94-04-30
29.	IS 3899 : 1981	Amendment No. 2 May 1994	94-05-31
30.	IS 3903 : 1984	Amendment No. 2 May 1994	94-05-31
31.	IS 3905 : 1966	Amendment No. 5 May 1994	94-05-31
32.	IS 4199 : 1990	Amendment No. 3 May 1994	94-05-31
33.	IS 4259 : 1967	Amendment No. 1 May 1994	94-05-31
34.	IS 4384 : 1967	Amendment No. 1 April 1994	94-04-30
35.	IS 4654 : 1993	Amendment No. 1 May 1994	94-05-31
36.	IS 4685 (Part 2) : 1984	Amendment No. 1 April 1994	94-04-30
37.	IS 4707 (Part 1) : 1988	Amendment No. 2 April 1994	94-04-30
38.	IS 4800 (Part 1) : 1968	Amendment No. 3 March 1994	94-03-31
39.	IS 4955 : 1993	Amendment No. 1 May 1994	94-05-31
40.	IS 5281 : 1979	Amendment No. 1 May 1994	94-05-31
41.	IS 5549 : 1970	Amendment No. 4 May 1994	94-05-31
42.	IS 5784 - 1970	Amendment No. 2 May 1994	94-05-31

(1)	(2)	(3)	(4)
43. IS 5834 (Part 3) : 1981	Amendment No. 2 April 1994	94-04-30	
44. IS 5900 : 1970	Amendment No. 1 May 1994	94-05-31	
45. IS 6014 : 1978	Amendment No. 1 May 1994	94-05-31	
46. IS 6177 : 1981	Amendment No. 2 May 1994	94-05-31	
47. IS 6178 : 1982	Amendment No. 1 May 1994	94-05-31	
48. IS 6310 : 1971	Amendment No. 1 April 1994	94-04-30	
49. IS 7098 (Part 1) : 1988	Amendment No. 1 April 1994	94-04-30	
50. IS 7122 : 1987	Amendment No. 2 May 1994	94-05-31	
51. IS 7126 : 1973	Amendment No. 1 May 1994	94-05-31	
52. IS 7169 : 1973	Amendment No. 2 May 1994	94-05-31	

Copies of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices New Delhi, Calcutta, Chandigarh, Madras, Bombay and also Branch Offices, Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. CMD/13 : 5]
P.S. DAS, Addl. Director General

नई दिल्ली 21 मिन्हार, 1994

का. आ. 2876.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खण्ड “ब” के अनुसार में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे दिये गए मानक (को) में संशोधन किया गया है / किये गये हैं।

संशोधन

क्रम संख्या संशोधित भारतीय मानक की संख्या और तिथि संशोधन की संख्या और तिथि संशोधन लागू होने की तारीख

(1)	(2)	(3)	(4)
1. आई एस 1030 : 1989	संशोधन सं. 2, मई 1994	1994-05-31	
2. आई एस 1055 : 1984	संशोधन सं. 2, मई 1994	1994-05-31	
3. आई एस 1308 : 1984	संशोधन सं. 1, मई 1994	1994-05-31	
4. आई एस 2127 : 1984	संशोधन सं. 1, मई 1994	1994-05-31	
5. आई एस 3383 : 1982	संशोधन सं. 2, मई 1994	1994-05-31	
6. आई एस 4224 : 1967	संशोधन सं. 5, मई 1994	1994-05-31	
7. आई एस 4766 : 1982	संशोधन सं. 2, मई 1994	1994-05-31	
8. आई एस 4783 : 1982	संशोधन सं. 2, मई 1994	1994-05-31	
9. आई एस 4808 : 1982	संशोधन सं. 2, मई 1994	1994-05-31	
10. आई एस : 5279 : 1969	संशोधन सं. 3, मई 1994	1994-05-31	
11. आई एस 8291 : 1976	संशोधन सं. 2, मई 1994	1994-05-31	
12. आई एस 8294 : 1976	संशोधन सं. 1, मई 1994	1994-05-31	
13. आई एस : 8446 1991	संशोधन सं. 1, मई 1994	1994-05-31	
14. आई एस 8489 : 1977	संशोधन सं. 2, मई 1994	1994-05-31	

(1)	(2)	(3)	(4)
15. आई एस 8497 : 1932	संशोधन सं. 1, मई 1994	1994 05 31	
16. आई एस 8498 : 1977	संशोधन सं. 3, मई 1994	1994 05 31	
17. आई एस 8944 : 1978	संशोधन सं. 2, मई 1994	1994 05 31	
18. आई एस 8955 : 1978	संशोधन सं. 2, मई 1994	1994 05 31	
19. आई एस 8957 : 1978	संशोधन सं. 2, मई 1994	1994 05 31	
20. आई एस 8962 : 1978	संशोधन सं. 1, मई 1994	1994 05 31	
21. आई एस 9354 : 1980	संशोधन सं. 2, मई 1994	1994 05 31	
22. आई एस 9362 : 1980	संशोधन सं. 3, मई 1994	1994 05 31	
23. आई एस 9363 : 1980	संशोधन सं. 2, मई 1994	1994 05 31	
24. आई एस 9369 : 1980	संशोधन सं. 3, मई 1994	1994 05 31	
25. आई एस 9370 : 1980	संशोधन सं. 3, मई 1994	1994 05 31	
26. आई एस 9656 : 1980	संशोधन सं. 2, मई 1994	1994 05 31	
27. आई एस 9666 : 1980	संशोधन सं. 1, मई 1993	1994 05 31	
28. आई एस 10265 : 1982	संशोधन सं. 2 मई 1994	1994 05 31	
29. आई एस 10266 : 1982	संशोधन सं. 1, मई 1994	1994 05 31	
30. आई एस 12383 : 1988	संशोधन सं. 1, मई 1994	1994 05 31	
31. आई एस : 12823 : 1990	संशोधन सं. 2, जून, 1994	1994 06 30	

इन संशोधनों की प्रतियोगी भारतीय मानक व्यापार मानक भवन 9 बहादुर शाह जफर मार्ग, नई दिल्ली 110002, और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, चंडीगढ़ तथा मद्रास और शास्त्रीय कार्यालयों अहमदाबाद, बंगलौर भोपाल, भुवनेश्वर, गुवाहाटी, त्रैबाराबाद, जयपुर, कानपुर, पटना और लिंगायेटम, गाजियाबाद तथा करीबाबाद में विश्वी हेतु उपलब्ध हैं।

[सं के.प्र.वि. 13:5]
पी. एस. दास, उपभूग्निदेशक

New Delhi, the 21st September 1994

S.O.2876:—In pursuance of clause(b) of Sub-rule(1) or Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed has/have been issued.

THE SCHEDULE

Sl. No. and year of the Indian Standard amended	No. and date of the Amendment	Date from which the amendment shall have effect	
(1)	(2)	(3)	(4)
1. IS 1030 : 1989	Amendment No. 2 May 1994	94-05-31	
2. IS 1055 : 1984	Amendment No. 1 May 1994	94-05-31	
3. IS 1308 : 1984	Amendment No. 1 May 1994	94-05-31	
4. IS 2127 : 1984	Amendment No. 1 May 1994	94-05-31	
5. IS 3383 : 1982	Amendment No. 2 May 1994	94-05-31	
6. IS 4324 : 1967	Amendment No. 5 May 1994	94-05-31	
7. IS 4766 : 1982	Amendment No. 2 May 1994	94-05-31	
8. IS 4783 : 1982	Amendment No. 2 May 1994	94-05-31	
9. IS 4808 : 1982	Amendment No. 2 May 1994	94-05-31	
10. IS 5279 : 1969	Amendment No. 3 May 1994	94-05-31	

1	2	3	4	5
11. IS 8292 : 1976		Amendment No. 2 May 1994	94-05-31	
12. IS 8204 : 1976		Amendment No. 1 May 1994	94-05-31	
13. IS 8446 : 1991		Amendment No. 1 May 1994	94-05-31	
14. IS 8489 : 1977		Amendment No. 2 May 1994	94-05-31	
15. IS 8497 : 1982		Amendment No. 1 May 1994	94-05-31	
16. IS 8498 : 1977		Amendment No. 3 May 1994	94-05-31	
17. IS 8944 : 1978		Amendment No. 2 May 1994	94-05-31	
18. IS 8055 : 1978		Amendment No. 2 May 1994	94-05-31	
19. IS 8057 : 1978		Amendment No. 2 May 1994	94-05-31	
20. IS 8062 : 1978		Amendment No. 1 May 1994	94-05-31	
21. IS 9354 : 1980		Amendment No. 2 May 1994	94-05-31	
22. IS 0362 : 1980		Amendment No. 3 May 1994	94-05-31	
23. IS 9363 : 1980		Amendment No. 2 May 1994	94-05-31	
24. IS 9369 : 1980		Amendment No. 3 May 1994	94-05-31	
25. IS 9370 : 1980		Amendment No. 3 May 1994	94-05-31	
26. IS 9656 : 1980		Amendment No. 2 May 1994	94-05-31	
27. IS 9666 : 1980		Amendment No. 1 May 1994	94-05-31	
28. IS 10265 : 1982		Amendment No. 2 May 1994	94-05-31	
29. IS 10266 : 1982		Amendment No. 1 May 1994	94-05-31	
30. IS 12383 : 1988		Amendment No. 1 May 1994	94-05-31	
31. IS 12823 : 1990		Amendment No. 2 June 1994	94-06-30	

Copies of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional offices : New Delhi, Calcutta, Chandigarh, Madras, Bombay and also Branch offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Comptore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. C.M.D. 13 : 5]

P. S. DAS Add. Director General

स्वास्थ्य और परिवार कल्याण मंत्रालय

प्रादेश

मई दिल्ली, 9 सितम्बर, 1994

का. आ. 2877 मास्को स्टेट फैक्टिकल इंस्टीट्यूट, मास्को द्वारा प्रदान की गई विकास प्रहृता, प्रथम् एम. डी. "फिजीपिन" भारतीय आयुर्विज्ञान परिषद् प्रधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए एक मान्यताप्राप्त प्रहृता है।

और डा. गेन्नाडी कालेक्सी, जिनके पास उक्त प्रहृता है, पूर्ण राम्य के लिए एक सर गंगाराम अस्पताल, नई दिल्ली से संपर्क है।

मत: आ. 2877 के लिए उक्त विवरण की वारा 14 की उम्हारा (1) के लंबे (ग) के मनुस्करण में, विद्यायान और पूर्ण कार्य के प्रयोजन के लिए इस भारतीय के जारी करने का तारीख से छह मास की अवधि या संस्थान में उनके कर्तव्यभार की अवधि, जो भी कम हो, विनियिष्ट करती है।

[संख्या ची.-11016/8/94-प.म. ए. (प. जी.)]

एस. ए. मिश्र, डॉक्टर अधिकारी

**MINISTRY OF HEALTH & FAMILY WELFARE
ORDER**

New Delhi, the 9th September,

S.O. 2877.—Whereas the medical qualification, namely, M.D. "Physician" granted by the II Mos-

cow State Medical Institute, Moscow is recognised qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956).

And whereas Dr. Gennadi Kaletski possessing the said qualification is attached to Sri Ganga Ram Hospital, New Delhi for charitable work.

Now, therefore, in pursuance of clause (c), subsection 1 of section 14 of the said Act, the Central Government hereby specifies the period of six months from the date of issue of this order or for the duration of his assignment at the institution, whichever is less, for the purpose of teaching and charitable work.

[No. V. 11016/8/94-ME(UG)]
S. K. MISHRA, Desk Officer

प्रादेश

मई दिल्ली, 28 सितम्बर, 1994

का. आ. 2878.—पाकिस्तान में कराची, पिछ और पंजाब विवरण की वारा 14 की उम्हारा (1) के मनुस्करण में, विद्यायान और पूर्ण कार्य के प्रयोजन के लिए इस भारतीय के जारी करने का तारीख से छह मास की अवधि या संस्थान में उनके कर्तव्यभार की अवधि, जो भी कम हो, विनियिष्ट करती है;

और निम्नलिखित व्यक्ति, जिनके पास उक्त प्रहृता है, एक समय मात्रे के सामने उल्लिखित भारत के संस्थानों से अध्यायाम, अनुसंधान का पूर्ण कार्य के लिए संतुलन है त कि निजी अभिलाषा के लिए:—

1. डा. वसरस राजा गंधी शास्त्रीय मंडल मोदमा, जमालवाल, गोविन्दपाल, मोडुसा-383315

2. डा. नरेन्द्र तुराजी	स्वास्थ्य दृष्टिराश चैरिटेबल इस्ट, फॉल्स 175, महाबीर कसरत शाला के सामने, कुबेरनगर (कर्पावती), भ्रह्मदाशाद-382340	1. Dr. Dasrat Raja Khetaram Maheshwari	Gandhi Arogya Maval, Modasa, Jamalvam, Ganchiwa,. Modasa-383 315.
3. डा. किशोर स्वर्गी	लावन्न नवव आक राजकोट तिटी, एप्रोफिलबरल बीजल संपर्त गरेडिया, कुवा रोड, राजकोट	2. Dr. Mansbomal Ludhwani	Swami Teeroram Charitable Trust, W-175, Opp. Mahavir Kasrat Shola, Kubernagar (Karpavati), Ahmedabad-382 340.
4. डा. सत्वानी चांदी-राम	चौधराम अस्पताल और अनुसंधान केन्द्र, पोस्ट वार्स नं. 131, माधिक बाग रोड, इन्दौर-452001	3. Dr. Kishore Rudji Monver	Lions Club of Rajkot City, Agricultural Diesel Spares, Garedia Kuva Road, Rajkot.
5. डा. हबलानी सुवाम-चन्द	श्री राम अर्णन अस्पताल, 82, मिन्हुनगर इन्दौर-452001	4. Dr. Satwanj Chanditam	Choithram Hospital and Research Centre, P.O. Box No. 131, Manik Bagh Road, Indore-452 001.
6. डा. वेददत्त भोजानी	देसाई मिलिन चूनीनान सार्वजनिक अस्पताल, प्रानिन्ज, गिरा सबरकान्था	5. Dr. Hablani Sudhamchand	Shri Ram Darshan Hospital, 82, Sindhu Nagar, Indore-452 001.
7. डा. राजपाल लक्ष्मी-देवी	गीता भवन अस्पताल और हैन्डेमिक कार्डियक केपर मूनिट, गीता भवन मार्न, इन्दौर-452001	6. Dr. Devdat Bhojani	Desai Manilal Chunnilal General Hospital, Prantij, Dist. Sabarkantha
8. डा. रमेश कुमार-सोनेता	प्रोटर केन्याण नर्सिंग होम, 11/2, पलासिया, इन्दौर-452001	7. Dr. Rajpal Lachmi Devi	Gita Bhawan Hospital & Intensive Cardiac Care Unit, Gita Bhawan Marg, Indore-452 001.
9. डा. सैनवास विरचु-मल कुकरेजा	जनता प्रसुति गृह और अस्पताल, आरीपटका, नागपुर-440014	8. Dr. Ratan Kumar Soneta	Greater Kailash Nursing Home, 11/2, Palasia, Indore-452 001.
10. डा. तनवरदास लोहाना	भट्ट इलीनिक एंड प्रेजिडेंट रेस्पिरेटरी डिसीजे एंड हैल्प केयर सोसाइटी, जयपुर	9. Dr. Saindas Birjomal Kukreja	Janta Maternity Home and Hospital, Jaripatka, Nagpur-440 014.
11. डा. मोरीराम एच. जेसवानी	बल्सद नगरपालिया, पो. बाकव नं.-1 बल्सद-316001	10. Dr. Thanwardas Lohana	Bhart Clinic & President Respiratory Diseases & Health Care Society, Jaipur.
प्रतः, प्रद केन्द्रीय सरकार, उन्न प्रधिनियम की धारा 14 की उप-धारा (1) के छांड (ग) के अनुसरण में, हस भारेश के राजपत्र में प्रकाशन की तारीख से एक वर्ष की प्रवधि या वह प्रवधि, जिसके बोरल अपर उल्लिखित डाक्टर प्राप्त नामों के सामने उल्लिखित अस्पतालों से संलग्न हैं, इन दोनों में से जो भी कम हो, ऐसी प्रवधि के रूप में विनियोजित करती है, जिस सक उन्न डाक्टरों का आ चिकित्सा व्यवसाय सीमित होगा ।			
[सं. नं.-11015/35/90-एन ई (यू. जी)] एस. के. मिश्र, डेस्क अधिकारी			

ORDER

New Delhi, the 26th September, 1994

S.O. 2878.—Whereas medical qualification of MBBS granted by the Universities of Karachi, Sindh and Punjab in Pakistan is a recognised medical qualification for the purpose of Indian Medical Council Act, 1956 (102 of 1956);

And whereas the following persons who possess the said qualification are at present attached to hospitals in India mentioned against their names for teaching, research or charitable work and not for personal gain:

[No. V/11015/35/90-ME(UG)
S. K. MISHRA, Desk Officer]

प्रादेश

नई दिल्ली, 30 अक्टूबर, 1994

का. डा. 2879.—लासनों धिनविद्यालय (मुनाइटेट किंगडम) द्वारा प्रदान की गई एस. ली. सो. एच. बी. अहैता-जब. यह सम्बर, 1978 को या उससे पहले प्रधान की गई है, भारतीय भाष्यधिकार

परिवहन द्वारा मान्यताप्राप्त है और भारतीय ग्राम्यभिज्ञान परिषद अधिनियम, 1956 की दूसरी अनुसूची में सम्मिलित है;

और वा. (मुश्त्री) व्यायसन किसीलीन जाय, जिसके पास उक्त घटना है, पूर्त कार्य के लिए कुछ मिशन अस्पताल, पुरुलिया, पर्वतम बंगाल से संलग्न है।

यह: अब, केन्द्रीय सरकार, उक्त अधिनियम को भारा 14 की उप-भारा (1) के परन्तुके खंड (ग) के अनुसरण में, एक वर्ष तक की अवधि या वह अवधि जिस तक वा. (मुश्त्री) व्यायसन किसीलीन जाय, कुछ मिशन अस्पताल, मुख्यिया पर्वतम बंगाल से संलग्न है, इन दोनों में से जो भी कम हो, ऐसी अवधि के रूप में विनियिष्ट करती है जिस तक पूर्वोक्त शाप्टर द्वारा विकिस्ता व्यवसाय सीमित होगा।

[सं. नं. -11016/3/94-एम. ई. (यू. जी.)]
एस. ई. मिश्रा, डेस्क प्रधिकारी

(Department of Health)

ORDER

New Delhi, the 30th September, 1994

S.O. 2879.—Whereas the M.B.Ch.B. qualification granted by the University of Glasgow (United Kingdom) is recognised by the Medical Council of India and included in the Second Schedule to Indian Medical Council Act, 1956 when granted on or before 11th November, 1978.

And, whereas, Dr. (Ms.) Thompson Kireet Joy who possesses the said qualification is attached to Leprosy Mission Hospital, Purulia, West Bengal, for charitable work.

Now, therefore, in pursuance of clause (c) of the provision of sub-section (1) of section 14 of the said Act, the Central Government specifies a period upto one year or the period for which Dr. (Ms.) Thompson Kireet Joy is attached to Leprosy Hospital, Purulia, West Bengal, whichever is shorter, as the period for which the medical practice, by the aforesaid doctor shall be limited.

[No. V. 11016/3/94-ME(UG)]
S. K. MISHRA, Desk Officer

ग्रामीण विकास मंत्रालय

(लोक कार्यक्रम और ग्रामीण प्रौद्योगिकी विकास परिषद्)

नई दिल्ली, 4 अक्टूबर, 1994

का. नं. 2880.—लोक कार्यक्रम और ग्रामीण प्रौद्योगिकी विकास परिषद् के नियमों और विनियमों के नियम 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए परिषद् के प्रधान एवं द्वारा श्री कुटाथन ककाड़, प्रध्यक्ष, बाष्पूर्जी सेवक समाज, बाकूपल्लम 6 वा. कुमोली, इटूरी, केरल की इस परिषद् की ग्राम सभा की सदस्यता को मुरस्स प्रमाद से बमात करते हैं जिसे 16 जुलाई, 1992 की अधिसूचना संख्या 1-1-92-प्रग्रामासन द्वारा अधिसूचित किया जाया था।

[संख्या 10-5/94-प्रग्रामासन]
प्रधानक जेट्सी, महानिवेशक

MINISTRY OF RURAL DEVELOPMENT

(Council for Advancement of People's
Action and Rural Technology)

New Delhi, the 4th October, 1994

S.O. 2880.—In exercise of the powers conferred vide rule 4 of the Rules and Regulations of the Council for Advancement of People's Action and Rural Technology, the President of

the Council hereby terminates the membership of Shri Kutta-chan Kakkad, Chairman, Bapooji Sevak Samaj, Chakkupallam, 6th Mile Kumily, Idukki, Kerala from the General Body of this Council which was notified vide notification No. 1-1/92-Admn. dated 16th July, 1992, with immediate effect.

[No. 10-5/94-Admn.]
ASHOK JAITLEY, Director General

जल-भूतल परिवहन मंत्रालय

(नीचवहन वा.)

नई दिल्ली, 6 अक्टूबर, 1994

का. नं. 2881.—नाविक भविष्य नियम स्कीम 1966 के पैरा 3 के साथ पड़ित नाविक भविष्य नियम अधिनियम, 1966 (1966 का 4) की भारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारत सरकार के पूर्व परिवहन मंत्रालय, जल-भूतल परिवहन विभाग (नीचवहन पक्ष) की विनांक 11 दिसम्बर, 1985 की अधिसूचना संख्या का. ना. 5757 में निम्नलिखित संशोधन करनी है, अर्थात्:—

उक्त अधिसूचना में कल मंस्ता 3 के मामते श्री जे. ई. दिस्त्रा, भारतीय राष्ट्रीय जहाजमालक संघ के स्थान पर कैप्टन के के कोहसी, अध्यक्ष भारतीय राष्ट्रीय जहाजमालक संघ, का नाम भारतीय राष्ट्रीय जहाज मालिक संघ के प्रतिनिधि के रूप में रखा जाए।

[का. नं. एम. सो-14018/7/90-एम ई.]

श्री. पं. माहे, अवृत्त सचिव

MINISTRY OF SURFACE TRANSPORT

(Shipping Wing)

New Delhi, the 6th October, 1994

S.O. 2881.—In exercise of the powers conferred by sections 5 of the Seamen's Provident Fund Scheme 1966, the Central Government hereby makes the following amendments in the notification of the Government of India in the late Ministry of Transport, Department of Surface Transport (Shipping Wing) No. S.O. 5757 dated the 11th December, 1985; namely:—

In said notification against Sl. No. 6 the name of Shri J. E. D'Souza, Indian National Shipowners' Association may be substituted by Capt. K. K. Kohli, Chairman, Indian National Shipowners' Association as representative Indian National Shipowners' Association.

[File No. ST-14018/7/90-MT]
O. P. MAHEY, Under Secy.

पर्यावरण तथा बन मंत्रालय

(पर्यावरण, बन तथा बन्ध जीव विभाग)

नई दिल्ली, 30 अक्टूबर, 1994

का. नं. 2882.—पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा खतरनाक रसायन विनिर्माण भंडारण और आयात नियमावली 1989 का संशोधन करने के लिए निम्नलिखित और नियम बनाते हैं:—

1. (1) इन नियमों को खतरनाक रसायन विनिर्माण, भंडारण और आयात (संशोधन) नियमावली, 1994 कहा जाएगा।

(2) ये नियम सरकारी राज्यपत्र में प्रकाशित होने की तारीख से प्रवृत्त होंगे।

2. अतरनाक रसायन विनिर्माण, भंडारण और आयात नियमावली, 1989 (जिसे इसमें इसके बाद उक्त नियमावली कहा जाएगा) नियम 3 के लिए, निम्नलिखित उप-नियम प्रतिस्थापित किये जायेंगे, अर्थात् :—

“प्राधिकारियों के कर्तव्य :— संबंधित प्राधिकारी—

(क) एक कैलेन्डर वर्ष में कम से कम एक बार औद्योगिक कार्यकलाप का निरीक्षण करेंगे;

(ख) उस स्थिति को छोड़कर जब ऐसा प्राधिकारी पर्यावरण और बन मंत्रालय हो, दखलदारों द्वारा नियमों के अनुपालन के बारे में उपयुक्त माध्यम के जरिये पर्यावरण और बन मंत्रालय को वार्षिक आधार पर रिपोर्ट भेजेगा।

(ग) इन नियमों के अन्य उपबंधों के अध्यात्मिन अनुसूची 5 के कालम 3 में विनिश्चित कार्यों का निष्पादन करेगा।

3. उक्त नियमावली के नियम 5 में—

(क) उप-नियम (1) में “तुरन्त अधिसूचित” शब्दों के स्थान पर “48 घंटे के अन्वर अधिसूचित” शब्द प्रतिस्थापित करें।

(ख) उप-नियम (2) में “मंत्रालय को अपेक्षित सूचना” शब्दों के स्थान पर “मंत्रालय को अपेक्षित सूचना 90 दिन के अन्वर” शब्द प्रतिस्थापित करें।

(ग) उप-नियम (3) के स्थान पर निम्नलिखित उप-नियम प्रतिस्थापित किये जाएं, अर्थात् :—

“(3) दखलदार किसी स्थल पर ऐसी घटना की पुनरायुक्ति को रोकने के लिए किये गये उपायों के बारे में संबंधित प्राधिकारी को अधिसूचना देगा।”

(घ) उप-नियम 3 के बाद निम्नलिखित उप-नियमों को जोड़ा जायेगा, अर्थात् :—

“(4) संबंधित प्राधिकारी प्रमुख बुर्बटनाओं के बारे में सूचना संकलित करेगा और उपयुक्त माध्यम के द्वारा पर्यावरण और बन मंत्रालय को उसकी एक प्रति उपलब्ध करायेगा।

(इ) संबंधित प्राधिकारी दखलदारों को किसी ऐसी कूटि के बारे में लिखित रूप में सूचित करेगा जिसे उसकी राय में मुख्य घटनाओं को रोकने के लिए हीक किये जाने की आवश्यकता है।”

का.ग्रा. 966 (अ) दिनांक 27-11-1989, जिसे दिनांक 9-6-90 की सा.ग्रा.नि. सं. 584 और दिनांक 5-2-90 के का.ग्रा. 115 (अ) द्वारा संशोधित।

4. उक्त नियमों के नियम 7 में :—

(क) उप-नियम 1 (में), “जब तक उसने प्रस्तुत किया हो” शब्दों के स्थान पर “जब तक उसे ऐसे कार्य को करने के लिए अनुमोदन न दिया गया हो और जब तक उसने प्रस्तुत न कर दिया हो” शब्दों को प्रतिस्थापित किया जाए; अर्थात् :—

(ख) उप-नियम (2) के स्थान पर निम्नलिखित उप-नियम को प्रतिस्थापित किया जाएगा, अर्थात् :—

“(2) रिपोर्ट की प्राप्ति की तारीख से 60 दिन के भीतर संबंधित प्राधिकारी, प्रस्तुत की गयी रिपोर्ट का अनुमोदन करेगा और रिपोर्ट पर विचार करने के बाद, यदि उसकी राय में अधिनियम के उपबंधों अधिक उसके अस्तर्गत बनाये गये नियमों का उल्लंघन हुआ है, तो वह नियम 19 के अंतर्गत नोटिस जारी करेगा।”

5. उक्त नियमावली के नियम 10 में—

(क) उप-नियम (3) के स्थान पर निम्नलिखित उप-नियम को प्रतिस्थापित किया जायेगा, अर्थात् :—

“(3) किसी मौजूदा औद्योगिक कार्यकलाप के मामले में दखलदार संबंधित मंत्रालय के परामर्श से एक सुरक्षा रिपोर्ट तैयार करेगा और उसे अतरनाक रसायन, विनिर्माण, भंडारण और आयात (संशोधन) नियमावली, 1994 के प्रारंभ होने की तारीख से एक वर्ष के अन्वर संबंधित मंत्रालय को भेज देगा।”

(ख) उप-नियम (3) के बाद निम्नलिखित उप-नियम जोड़े जायेंगे, अर्थात् :—

“(4) अतरनाक रसायन विनिर्माण, भंडारण और आयात (संशोधन) नियमावली 1994 के प्रारंभ होने के बाद नये और मौजूदा औद्योगिक कार्यकलापों के दखलदार दोनों ही किसी ऐसे विशेषज्ञ की सहायता से संबंध औद्योगिक कार्यकलापों की स्वतंत्र रूप से मुख्या संबंधी मुशायन करेंगे, जो ऐसे औद्योगिक कार्यकलापों से न जुड़ा हो।”

“(5) दखलदार जांचकर्ता की एक प्रति उसकी टिप्पणियों के साथ संबंधित प्राधिकारी को ऐसे निरीक्षण के पूरे होने के बाद 30 दिन के भीतर संबंधित प्राधिकारी को भेजेगा।”

“(6) दखलदार सुरक्षा संबंधी नया निरीक्षण करके सुरक्षा संबंधी जांच की रिपोर्ट को प्रदातन बनायेगा और उसकी एक प्रति

अपनी टिप्पणी में के साथ 30 दिन के अन्दर संबंधित प्राधिकारी को भेजेगा।”

“(7) संबंधित प्राधिकारी, यदि वह ठीक समस्ता हो, उक्त रिपोर्ट को प्रस्तुत करने के 45 दिनों के अन्तर नियम 19 के अंतर्गत सुधार नोटिस जारी कर सकता है।”

6. उक्त नियमावली के नियम 11 के उप-नियम (2) में “प्रथवा ऐसी किसी लंबी अवधि जिसके बारे में संबंधित प्राधिकारी लिखित रूप में सहमत हो” शब्दों को निकाल दिया जाए।

7. उक्त नियमावली के नियम 12 के रूपान पर, निम्नलिखित को प्रतिस्थापित किया जाए, अर्थात्:—

“12. प्राधिकारी को भेजे जाने के लिए और प्रधिक सूचना को आवश्यकता—जहां नियम 10 के अनुसरण में, किसी बखलदार ने संबंधित प्राधिकारी को किसी औद्योगिक कार्यकलाप से संबंधित सुरक्षा रिपोर्ट और सुरक्षा जांच रिपोर्ट भेज दी हो, संबंधित प्राधिकारी चाहे तो बखलदार को नोटिस तामील करके उसे ऐसी कोई अन्य सूचना देने के लिए कह सकता है जिसे नोटिस में विनिर्दिष्ट किया गया हो और बखलदार 90 दिन के भीतर संबंधित प्राधिकारी को सूचना भेज देगा।”

8. उक्त नियमावली के नियम 13 के उप-नियम (1) में:—

(क) “स्थल पर आपाती योजना विवरण तैयार करना” शब्दों के स्थान पर, “स्थल पर आपाती योजना तैयार करना जिसमें अनुसूची 11 में विनिर्दिष्ट छोरे और विवरण दिये गये हों” शब्दों को प्रतिस्थापित कर दिया जाए;

(ख) उप-नियम (3) के बाद निम्नलिखित नियमों को जोड़ा जायेगा, अर्थात्:—

“(4) बखलदार यह सुनिश्चित करेगा कि हर छह महीने में स्थल पर आपाती योजना का नकली अध्यास भी किया जाना चाहिए।”

“(5) उप-नियम (4) के अन्तर्गत आयोजित नकली अध्यास की एक विस्तृत रिपोर्ट तुरंत संबंधित प्राधिकारी को भेजी जायेगी।”

9. उक्त नियमावली के नियम 14 के नियम (1) में:—

(क) उप-नियम (1) में “समुचित अप-स्ट आपाती योजना विवरण” शब्दों के स्थान पर “समुचित अप-स्ट आपाती योजना जिसमें अनुसूची 12 में विनिर्दिष्ट छोरे और उनके विवरण” दिये गये हों, शब्दों को प्रतिस्थापित किया जायेगा;

(ख) उप-नियम (3) के बाद, निम्नलिखित उप-नियम भी जोड़ा जायेगा, अर्थात्:—

“(4) संबंधित प्राधिकारी यह सुनिश्चित करेगा कि एक कैलेन्डर वर्ष में कम से कम एक बार अप-स्ट आपाती योजना का पूर्वाभ्यास बहर किया जाए।”

10. उक्त नियमावली के नियम 18 में:—

(क) उप-नियम (2) में “आयात के समय प्रथवा उससे तीस दिन के अन्तर” शब्दों के स्थान पर “30 दिन से पहले प्रथवा जैसा कि उचित हो किन्तु उसके बाद नहीं” शब्दों को प्रतिस्थापित किया जायेगा;

(ख) उप-नियम (3) के स्थान पर, निम्नलिखित उप-नियम को प्रतिस्थापित किया जायेगा, अर्थात्:—

“(3) यदि राज्य का संबंधित प्राधिकारी इस बात से संतुष्ट हो कि आयात किये जा रहे रसायन से बड़ी दुर्बलताएं हो सकती हैं, तो वह आयातक को ऐसे सुरक्षा उपाय करने का निर्देश दे सकता है जिन्हें राज्य का संबंधित प्राधिकारी ठीक समझता हो।”

(ग) उप-नियम (3) के बाद निम्नलिखित उप-नियम को जोड़ा जायेगा, अर्थात्:—

“3(क) यदि राज्य के संबंधित प्राधिकारी की राय में सुरक्षा अवधि वर्षावरण लंबाई अवधारणाओं के आधार पर रसायन आयात नहीं किया जाना चाहिए, तो वह ऐसे आयात को सीधे रोक सकता है।”

11. उक्त नियमावली के नियम 19 के उप-नियम (2) में, “ऐसी अवधि में जिसमें ये मामले उत्पन्न होते हैं नोटिस में विनिर्दिष्ट किया गया हो” शब्दों के स्थान पर “ये मामले उत्पन्न होते हैं 45 दिन के अन्तर” शब्दों को प्रतिस्थापित किया जायेगा।

12. उक्त नियमावली की अनुसूची 1 के भाग II में:—

(क) कम संख्या 45 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित कम संख्या और प्रविष्टियों को प्रतिस्थापित किया जायेगा, अर्थात्:— “45 बिस (अलोरोमियाइल) केटन।”

(ख) कम संख्या 56 और उससे संबंधित प्रविष्टियों को निकाल दिया जाए।

13. उक्त नियमावली की अनुसूची 2 में, प्रविष्टि 11 के बाद निम्नलिखित प्रविष्टियों को जोड़ा जायेगा, प्रथमतः :—

1	2	3	4
12.	कार्बोनिल अल्कोराइड	0.750	0.750
13.	हाइड्रोजन सल्फाइड	5	50
14.	हाइड्रोजन फ्लोरोराइड	5	50
15.	हाइड्रोजन सायनाइड	5	20
16.	कार्बन डिट्राइड	20	200
17.	ब्रोमीन	50	500
18.	एथिलीन आक्साइड	5	501
19.	प्रोपिलेन आक्साइड	5	50
20.	2-प्रोपेनल (एकोलीन)	20	200
21.	ब्रोमोलीथन (मिथाइल ब्रोमाइड)	20	200
22.	मिथाइल आइसोसाइनेट	0.150	0.150
23.	ट्रीट्राइथाइल लीड या ट्रेट्रामिथाइल लीड	5	50
24.	1, 2 डाइब्रोमो इथेन (एथिलीन डाइब्रोमाइड)	5	50
25.	हाइड्रोजन अल्कोराइड (द्रवीय गैस)	25	250
26.	डाइफिनाइल मीथेन डाई असाइसोसाइनेट (एम. डी. आई.)	20	200
27.	टोलुयेन डाई-थ्राइसोसाइनेट (टी. डी. आई.)	10	100

14. उक्त नियमावली की अनुसूची 3, भाग 1 में, निम्नलिखित में संबंधित प्रविष्टियों में :—

- (क) कालम 4 के नीचे क्रम संख्या 101, संख्याएं और अक्षर “200 टी” जोड़े जायेंगे;
- (ख) कालम 4 के नीचे क्रम संख्या 106, संख्याएं और अक्षर “500 टी” जोड़े जायेंगे;
- (ग) कालम 4 के नीचे क्रम संख्या 109, संख्याएं और अक्षर “200 टी” जोड़े जायेंगे;
- (घ) कालम 4 के नीचे क्रम संख्या 110, संख्याएं और अक्षर, “50 टी” जोड़े जायेंगे;
- (ङ) कालम 4 के नीचे क्रम संख्या 112, संख्याएं और अक्षर “50 टी” जोड़े जायेंगे;

(च) कालम 4 के नीचे क्रम संख्या 117, संख्याएं और अक्षर “200 टी” जोड़े जायेंगे;

(छ) कालम 4 के नीचे क्रम संख्या 123, संख्याएं और अक्षर “200 टी” जोड़े जायेंगे;

(ज) कालम 4 के नीचे क्रम संख्या 124, संख्याएं और अक्षर, “100 टी” जोड़े जायेंगे;

(झ) कालम 4 के नीचे क्रम संख्या 144, संख्याएं और अक्षर, “2000 टी” जोड़े जायेंगे;

(झ) कालम 4 के नीचे क्रम संख्या 148, संख्याएं और अक्षर “50 टी” जोड़े जायेंगे;

15. उक्त नियमावली की अनुसूची 5 में, आगे संख्या 8 में संबंधित कालम 3 के अन्तर्गत, “भारतीय विस्कोटक अधिनियम और नियमावली, 1983” शब्दों और संख्याओं के स्थान पर निम्नलिखित को रखा जाए, प्रथमतः :—

(i) विस्कोटक अधिनियम, 1984 (1984 का 4) और उसके अन्तर्गत बनाये गये नियम, प्रथमतः :—

(क) गैस मिलिन्डर नियमावली, 1981

(ख) स्थिर और गतिशील दबाव वेसल (ग्रन-फायर्ड) नियमावली, 1981

(ग) विस्कोटक नियमावली, 1984

(ii) पेट्रोलियम अधिनियम, 1934 (1934 का 30) और उसके अन्तर्गत बनाये गये नियम, प्रथमतः :—

(क) पेट्रोलियम नियमावली, 1976

(ख) कैलिसियम कार्बाइड नियमावली, 1987'

16. उक्त नियमावली की अनुसूची-10 के बाद, निम्नलिखित अनुसूची को जोड़ा जाएगा, प्रथमतः :—

अनुसूची-II

“(देखिए नियम 13(1))”

स्वल्प पर आपाती योजना के बारे में प्रस्तुत किए जाने वाले व्यावे

1. सूखना वेने वाले व्यक्ति का नाम और पता

2. संगठन के प्रमुख कार्मिक और आपात की स्थिति में उनको सौंपी गयी जिम्मेदारियाँ

3. स्थल पर आपात की स्थिति के दौरान सहायता करने वाला बहुरी संगठन यदि कोई हो

(क) दुर्घटनाओं का स्वरूप

(ख) सौंपी गई जिम्मेदारी

4. संगठनों के वीच सम्पर्क प्रबंध के व्यावे

5. प्रारंभिक जोखिम संबंधी विशेषणों के बारे में सूचना

(क) दुर्घटनाओं का स्वरूप

(ख) तत्व प्रश्ना घटना पद्धति जिसके कारण यही दुर्घटना हो सकती है।
 (ग) जोखिम
 (घ) सुरक्षा से राबद्ध संगठन।

6. स्थल के बारे में व्यौरे

(क) खतरनाक पदार्थों की अवस्थिति।
 (ख) प्रमुख कार्मिकों की सीट
 (ग) आपात नियंत्रण कक्ष।

7. संयंत्रस्थल पर खतरनाक रसायनों के व्यौरे

(क) रसायन (मात्रा और टॉक्सीकलॉजिकल डाटा)
 (ख) परिवर्तन यदि कोई हो, जो हो सकता है।
 (ग) खतरनाक रसायनों की विशेषता।

8. संयंत्र को पहुंचाने वाले संभावित खतरे।

9. निम्नलिखित के प्रभावों का विश्लेषण करें:—

(i) सामान्य प्रयालय के दौरान उत्पन्न होने वाले तनाव और दबाव;
 (ii) संयंत्र के अन्दर आग और बिस्कोट और उसके प्रभाव, यदि कोई हो, और यदि वे बाहर होते हों।

10. निम्नलिखित के संबंध में व्यौरे:—

(i) चेतावनी, पूर्व सूचना एवं सुरक्षा और सुरक्षा पद्धतियां;
 (ii) आवश्यक तकनीकी और संगठनात्मक सावधानियों को सुनिश्चित करते हुए किसी नियंत्रण और जोखिम नियंत्रण योजना के ग्रन्तुरूप चेतावनी और जोखिम नियंत्रण योजनाएं;
 (iii) विश्वासीर सामाज उपस्कर, नियंत्रण इकाइयों और ऐसे उपकरणों की मरम्मत;
 (iv) इमारत की बुनियाद और उसका भार वहन करने वाले हिस्तों के डिजाइन बनाने में सावधानियां;
 (v) बचालों पर नियन्त्रण निगरानी रखना;
 (vi) इंजीनियरों की सुनिश्चित पद्धतियों के सामान्य रूप से स्थीकृत नियमों के अनुसार अनुरक्षण और मरम्मत कार्य।

11. ग्रन्ति दियते के दौरान उपलब्ध संचार सुविधाओं के व्यौरे और वे व्यौरे जो अपने स्थल आपात स्थिति में अपेक्षित होते हैं।
 12. उपलब्ध अग्निशमन और अन्य सुविधाओं के व्यौरे और वे व्यौरे जो अपने स्थल आपात स्थिति में अपेक्षित होते हैं।
 13. उपलब्ध प्राथमिक चिकित्सा और मरम्मत सेवाओं के व्यौरे और उनकी समुचितता।

अनुसूची-12

“[दिविर नियम 14(1)]

स्थल से दूर आपाती योजना के संबंध में प्रस्तुत किये जाने वाले व्यौरे

1. दुर्घटनाओं के घटनास्थल और उनसे छुटकारा, जिनको ध्यान में रखा जाना चाहिए।
2. प्रमुख कार्मिकों सहित संगठनों के नाम और उनकी जिम्मेदारियां तथा उनके बीच सम्पर्क प्रबंध।
3. खतरनाक पदार्थों, कार्मिकों और आपात नियंत्रण कक्षों की संभावित अवस्थितियों सहित स्थल के बारे में सूचना।
4. रसायन और उसकी वास्तविक विशेषताओं सहा पदार्थों और संयंत्र के खतरों जैसी तकनीकी सूचना।
5. सुविधाओं और परिवहन मार्गों का पता लगाना।
6. और अन्य सूचना के लिए मानक जैसे कि मौसम संबंधी सूचना, परिवहन, स्थायी खाद्य और आपात, प्राथमिक चिकित्सा और मरम्मत सेवाएं, जल तथा छापि प्राधिकारी।
7. टैलीफोनों, रेडियो और ग्रामीण पद्धतियों सहित संचार संबंध।
8. अग्निशमन सामग्रियों, काति नियंत्रण और मरम्मत की मदों सहित विशेष उपस्कर।
9. आपाती कार्रवाई पद्धतियों के व्यौरे।
10. जनता को सूचित करना।
11. निकास प्रबंध।
12. ऐसे तथा अन्य जनरेवर मालयों से जुड़ हितों से निपटने के प्रबंध।
13. वीर्यविकार उपाय।”

[का रा 17(1)/87-ग्र.एल/एच.एस.एम.डी.]

जे.सी. काला, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

New Delhi, the 3rd October, 1994

S.O. 2882.—In exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989, namely:—

1. (1) These rules may be called the Manufacture, Storage and Import of Hazardous Chemicals (Amendment) Rules, 1994.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 (hereinafter referred to as the said rules) for rule 3, the following sub-rule shall be substituted, namely :—

“3. Duties of Authorities.—The concerned Authority shall,—

- (a) inspect the industrial activity at least once in a calendar year;
- (b) except where such authority is the Ministry of Environment and Forests, annually report on the compliance of the rules by the occupiers to the Ministry of Environment and Forests through appropriate channel;
- (c) subject to the other provisions of these rules, perform the duties specified in column 3 of Schedule 5.”

3. In rule 5 of the said rules,—

- (a) in sub-rule (1) for the words “forthwith notify” the words “within 48 hours notify” shall be substituted;
- (b) in sub-rule (2) for the words “requisite information to the Ministry” the words “requisite information within 90 days to the Ministry” shall be substituted;
- (c) for sub-rule (3) the following sub-rule shall be substituted, namely :—

“(3) An occupier shall notify to the concerned Authority, steps taken to avoid any repetition of such occurrence on a site.”
- (d) after sub-rule 3 the following sub-rules shall be inserted, namely :—

“(4) The concerned Authority shall compile information regarding major accidents and make available a copy of the same to the Ministry of Environment and Forest through appropriate channel.

(5) The concerned Authority shall in writing inform the occupier, of any lacunae which in its opinion needs to be rectified to avoid major accidents.”

4. In rule 7 of the said rules :—

- (a) in sub-rule (1), for the words “unless he has submitted”, the words “unless he has been granted an approval for undertaking such an activity and has submitted” shall be substituted;
- (b) for sub-rule (2) the following sub-rule shall be substituted namely :—

“(2) The concerned Authority within 60 days from the date of receipt of the report, shall approve the report submitted and on consideration of the report if it is of the opinion that contravention of the provisions of the Act or the rules made thereunder has taken place, it shall issue notice under rule 19.”

5. In rule 10 of the said rules,—

- (a) for sub-rule (3) the following sub-rule shall be substituted namely :—

“(3) In case of an existing industrial activity, the occupier shall prepare a safety report in consultation with the concerned authority and submit the same within one year from the date of the commencement of the Manufacture, Storage and Import of Hazardous Chemicals (Amendment) Rules, 1994 to the concerned Authority.”
- (b) after sub-rule (3) the following sub-rules shall be inserted namely :—

“(4) After the commencement of the Manufacture, Storage and Import of Hazardous Chemicals (Amendment) Rules, 1994, the occupiers of both the new and the existing industrial activities shall carry out an independent safety audit of the respective industrial activities with the help of an expert, not associated with such industrial activities.

SO 936 (F) dated 27-11-1989, amended vide GSR No. 584 dated 9-6-90 and SO 115 (E) dated 5-2-90.

2295 GI/94-13.

(5) The occupier shall forward a copy of the auditor's report along with his comments, to the concerned Authority within 30 days after the completion of such Audit.

(6) The occupier shall update the safety audit report once a year by conducting a fresh safety audit and forward a copy of it with his comments thereon within 30 days to the concerned Authority.

(7) The concerned authority may if it deems fit, issue improvement notice under rule 19 within 45 days of the submission of the said report.”

6. In sub-rule (2) of rule 11, of the said rules, the words, “or any such longer time as the concerned authority may agree in writing shall be omitted.

7. For rule 12 of the said rules, the following rule shall be substituted, namely :—

“12. Requirement for further information to be sent to the Authority.—Where in accordance with rule 10 an occupier has sent a safety report and the safety audit report relating to an industrial activity to the concerned Authority, the concerned Authority may, by a notice served on the occupier, require him to provide such additional information as may be specified in the notice and the occupier shall send that information to the concerned Authority within 90 days.”

8. In sub-rule (1) of rule 13 of the said rules,—

- (a) for the words “an on-site emergency plan detailing”, the words “an on-site emergency plan containing details specified in schedule 11 and detailing” shall be substituted;
- (b) after sub-rule (3) the following sub-rules shall be inserted namely :—

“(4) The occupier shall ensure that a mock drill of the on-site emergency plan is conducted every six months;

(5) A detailed report of the mock drill conducted under sub-rule (4) shall be made immediately available to the concerned Authority.”

9. In rule (1) of rule 14 of the said rules,—

- (a) in sub-rule (1) for the words “an adequate off-site emergency plan detailing” the words “an adequate off-site emergency plan containing particulars specified in Schedule 12 and detailing” shall be substituted;
- (b) after sub-rule (3) the following sub-rule shall be inserted namely :—

“(4) The concerned authority shall ensure that a rehearsal of the off-site emergency plan, is conducted at least once in a calendar year.”

10. In rule 18 of the said rules,—

- (a) in sub-rule (2) for the words “at the time of import or within thirty days from” the words, “before 30 days or as reasonably possible but not later than” shall be substituted;
- (b) for sub-rule (3), the following sub-rule shall be substituted, namely :—

“(3) If the concerned Authority of the State is satisfied that the chemical being imported is likely to cause major accidents, it may direct the importer to take such safety measures as the concerned Authority of the State may deem appropriate.”
- (c) after sub-rule (3) the following sub-rule shall be inserted, namely :—

“(A) In case the concerned Authority of the State is of the opinion that the chemical should not be imported on safety or on environmental consider-

rations, such Authority may direct stoppage of such import."

11. In sub-rule (1) of rule 19 of the said rules, for the words "the matters occasioning it within such period as may be specified in the notice", the words "the matters occasioning it within 45 days" shall be substituted.

12. In Schedule 1 of the said rules, in Part II,—

(a) for serial number 45 and entries relating thereto, the following serial number and entries shall be substituted, namely:—

"45 is (chloromethyl) ketone."

(b) serial number 56 and entries relating thereto shall be omitted.

13. In Schedule of the said rules, after entry 11 the following entries shall be inserted namely :

1	3	4
12. Carbonyl chloride	0.750	0.750
13. Hydrogen Sulphide	5	50
14. Hydrogen fluoride	4	50
15. Hydrogen cyanide	5	70
16. Carbon disulphide	20	200
17. Bromine	50	500
18. Ethylene oxide	5	501
19. Propylene oxide	5	50
20. 2-Propenal (Acrolein)	20	200
21. Bromomethane (Methyl bromide)	20	200
22. Methyl isocyanate	0.150	0.150
23. Tetraethyl lead or tetramethyl lead	5	50
24. 1,2 Dibromoethane (Ethylene dibromide)	5	50
25. Hydrogen chloride (liquefied gas)	25	250
26. Diphenyl methane di-isocyanate (MDI)	20	200
27. Toluene di-isocyanate (TDI)	10	100"

14. In Schedule 3 of the said rules, in part 1, in the entries with respect to:—

- (a) serial number 101 under column 4, the figures and letter "200 t" shall be inserted;
- (b) serial number 106 under column 4, the figures and letter "500 t" shall be inserted;
- (c) serial number 109 under column 4, the figures and letter "200 t" shall be inserted;
- (d) serial number 110 under column 4, the figures and letter "50 t" shall be inserted;
- (e) serial number 112 under column 4, the figures and letter "50 t" shall be inserted;
- (f) serial number 117 under column 4, the figures and letter "200 t" shall be inserted;
- (g) serial number 123 under column 4, the figures and letter "200 t" shall be inserted;
- (h) serial number 124 under column 4, the figures and letter "100 t" shall be inserted;
- (i) serial number 144 under column 4, the figures and letter "2000 t" shall be inserted;
- (j) serial number 148 under column 4, the figures and letter "50 t" shall be inserted;

15. In Schedule 5 of the said rules, under column 3 with respect to serial number 8, for the words and figures "the Indian Explosives Act and Rules, 1983", the following shall be substituted, namely:—

- (i) The Explosives Act, 1884 (4 of 1884) and the rules made thereunder, namely:—
- (a) The Gas Cylinders Rules, 1981;
- (b) The Static and Mobile Pressure Vessel (unfired) Rules, 1981;

(c) The Explosives Rules, 1984.

(ii) The Petroleum Act, 1934 (30 of 1934) and the Rules made thereunder, namely:—

(a) The Petroleum Rules, 1976.

(b) The Calcium Carbide Rules, 1987."

16. After Schedule 10 of the said rules, the following Schedules shall be inserted, namely:—

SCHEDULE 11

"[See rule 13(1)]"

DETAILS TO BE FURNISHED IN THE ON-SITE EMERGENCY PLAN:

1. Name and address of the person furnishing the information.
2. Key personnel of the organisation and responsibilities assigned to them in case of an emergency.
3. Outside organisations if involved in assisting during on-site emergency :
 - (a) Type of accidents.
 - (b) Responsibility assigned.
4. Details of liaison arrangement between the organisations.
5. Information on the preliminary hazard analysis :
 - (a) Type of accidents.
 - (b) System elements or events that can lead to a major accident.
 - (c) Hazards.
 - (d) Safety relevant components.
6. Details about the site :
 - (a) Location of dangerous substances.
 - (b) Seat of key personnel.
 - (c) Emergency control room.
7. Description of hazardous chemicals at plant site :
 - (a) Chemicals (Quantities and toxicological data).
 - (b) Transformation if any which could occur.
 - (c) Purity of hazardous chemicals.
8. Likely dangers to the plant.
9. Enumerate effects of :
 - (i) stress and strain caused during normal operation;
 - (ii) fire and explosion inside the plant and effect if any, of fire and explosion out side.
10. Details regarding :
 - (i) warning, alarm and safety and security systems.
 - (ii) alarm and hazard control plans in line with disaster control and hazard control planning, ensuring the necessary technical and organizational precautions;
 - (iii) reliable measuring instruments, control units and servicing of such equipments.
 - (iv) precautions in designing of the foundation and load bearing parts of the building.
 - (v) continuous surveillance of operations.
 - (vi) maintenance and repair work according to the generally recognised rules of goods engineering practices;
11. Details of communication facilities available during emergency and those required for an off-site emergency.
12. Details of fire fighting and other facilities available and those required for an off-site emergency.
13. Details of first aid and hospital services available and its adequacy.

SCHEDULE

[See rule 14(1)]"

DETAILS TO BE FURNISHED IN THE OFF-SITE EMERGENCY PLAN :

1. The types of accidents and release to be taken into account.
2. Organisations involved including key personnel and responsibilities and liaison arrangements between them.
3. Information about the site including likely locations of dangerous substances, personnel and emergency control rooms.
4. Technical information such as chemical and physical characteristics and dangers of the substances and plant.
5. Identify the facilities and transport routes.
6. Contact for further advice e.g. meteorological information, transport, temporary food and accommodation, first aid and hospital services, water and agricultural authorities.
7. Communication links including telephones, radios and standby methods.
8. Special equipment including fire fighting materials, damage control and repair items.
9. Details of emergency response procedures.
10. Notify the public.
11. Evacuation arrangements.
12. Arrangements for dealing with the press and other media interests.
13. Longer term clean up."

[F. No. 17(1)/87-PL/HSMD]
J. C. KALA, Jt. Secy.

संचार मंत्रालय
(दूरसंचार विभाग)
नई दिल्ली, 2 सितम्बर, 1994

का. आ. 2883.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10(4) के अनुसरण में, संचार मंत्रालय के प्रशासनिक नियंत्रणाधीन निम्ननिखित कार्यालयों, जिनमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है—

1. महाप्रबंधक, दूरसंचार जिला, फरीदाबाद।
2. महाप्रबंधक, दूरसंचार जिला, अम्बाला।
3. दूरसंचार जिला प्रबंधक, करनाल।
4. दूरसंचार जिला प्रबंधक, रोहतक।
5. दूरसंचार जिला प्रबंधक, हिसार।
6. दूरसंचार जिला अभियंता, जीद।
7. प्रबंधक, अधीक्षक, तार परियात, अम्बाला।

[स.ई.-11016/1/94-राजभाषा]

एच.सी. शर्मा, उपनिदेशक (राजभाषा)

MINISTRY OF COMMUNICATIONS

(Dept. of Telecommunications)

New Delhi, the 2nd September, 1994

S.O. 2883.—In pursuance of Rule 10(4) of the Official Language (Use for Official purposes of the Union) Rule, 1976, the Central Government hereby notifies following offices of the Ministry of Communications wherof more than 80% staff have acquired working knowledge of Hindi.

1. General Manager Telecom, Distt. Faridabad.
2. General Manager Telecom, Distt. Ambala.
3. Telecom. Distt. Manager, Karnal.
4. Telecom. Distt. Manager, Rohtak.
5. Telecom. Distt. Manager, Hisar.
6. Telecom. Distt. Engineer, Jeend.
7. Sr. Superintendent Telegraph Traffic, Ambala.

[No. E. 11016/1/94-OL]
H. C. SHARMA, Dy. Director (OL)

श्रम मंत्रालय

नई दिल्ली, 26 सितम्बर, 1994

का. आ. 2884.—प्रौद्योगिक विवाद, अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, टैलीकाम करीमनगर के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट प्रौद्योगिक विवाद में प्रौद्योगिक अधिकारण, आन्ध्र प्रदेश के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-9-94 को प्राप्त हुआ था।

[संख्या ए.ल-40012/143/92-प्राई.शार. (सी.यू.)]
के.बी.वी. उन्नी, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 26th September 1994

S.O. 2884.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Andhra Pradesh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom, Karimnagar and their workmen, which was received by the Central Government on 26-9-94.

[No. L-40012/143/92-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT:

.. Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated : 17th day of September 1994

INDUSTRIAL DISPUTE NO. 7 OF 1994

BETWEEN

Sri S. Narasaiah, S/o S. Venkataiah,
Gandhi Road, Husnabad,
Karimnagar-505476.

.. PETITIONER

AND

The Sub-Divisional Officer,
Telecom, Karimnagar-505022 .. RESPONDENT.

Appearances :—

M/s. C. Suryanarayana, P. Bhaskar and R. Yogender Singh, Advocates for the Petitioner.
None for the Respondent and set ex parte on 6-9-1994.

AWARD

The Government of India, Ministry of Labour by its Order No. L-40012/143/92-IR(DU), dt. 11-1-1994 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of Telecom Department, Karimnagar and their workmen to this Tribunal for adjudication:

‘Whether the action of the Management of SDO(T) Karimnagar in not regularising Sri S. Narasiah is legal and justified? If not, to what relief the workman is entitled to?’

This reference is registered as Industrial Dispute No. 7 of 1994 and notices were issued to both the parties.

2. The brief facts of the claims statement filed by the Petitioner-workman read as follows:—The Petitioner's claim for reinstatement in service is based on the fact that he was initially recruited as Casual Mazdoor w.e.f. 18-6-1982 by SDO (T), Karimnagar. His paying and disbursing officer was SDOT, Karimnagar. He was employed for a period of 726 days from 18-6-1982 to September 1985 but thereafter he was not employed either due to non-availability of work or due to cessation of work due to departmental reasons. However he was again employed from January, 1986 for 87 days. During the period from April, 1986 to June, 1991, the Petitioner suffered from T.B. Abdomen. He recovered from illness by June, 1991 and approached the Respondent for his reinstatement in service by producing the Medical Certificate of fitness along with his representation dt. 15-7-1991 addressed to the SDOT, Karimnagar. The SDOT, Karimnagar gave him a reply through his letter dated 30-7-1991 stating that the facts in his representation are contradictory from the Doctor's Certificate. The Respondent failed to verify working days statement though M.R numbers are furnished by the petitioner as proof of his employment under the Respondent. The Respondent held that though the Petitioner worked during the period from 1-3-1985 to 28-3-1986 that the Petitioner did not complete 240 days. In fact the observation made by the SDOT on working days of the period from 1-3-1985 to 28-3-1986 that the Petitioner did not complete 240 days is obviously false. In fact he was employed for a total of 256 days during that one year period. Neither the Respondent he stated that the name of the petitioner herein was removed from Muster Rolls nor any notice intending to remove his name from M.Rs. is given to the petitioner. It was neither published on the notice board nor any newspaper publication given to that effect. Therefore, the Respondent's refusal to readmit the Petitioner to work is retrenchment is violation of the mandatory provisions of Section 25-F of the I.D. Act. The period during which the Petitioner was sick has to be treated as part of his continuous “service” and accordingly, he should be given seniority w.e.f. 22-12-1982 in as much as a number of his juniors who were recruited after 22-12-1982 are now in service and some of them have been regularised and some who have served continuously for one year (or more than 240 days service in a year) have been granted Temporary status as per the D.G.'s Order dt. 7-11-1989. Therefore, the Petitioner is also entitled to grant of temporary status pending his absorption and regularisation in the Department. The petitioner further submits that if any of his juniors have been absorbed, he too should be absorbed if necessary by creating a supernumerary post for him. The Petitioner therefore prays that this Hon'ble Tribunal may be pleased to hold and declare that his retrenchment is arbitrary, illegal, null and void and consequently to direct the respondents herein to reinstate him in service with full back wages at least w.e.f. 30-7-1991 the date on which the Respondent refused to readmit the petitioner into service, continuity of service and protection of his seniority and other incidental benefits and to pass the Award accordingly.

3. The Respondent has not filed their counter and set ex parte on 6-9-1994.

4. The point for adjudication is whether the action of the Management of SDO(T), Karimnagar in not regularising Sri S. Narasiah is legal and justified?

5. W.W1 is examined on behalf of the Petitioner workman and marked Exs. W1 to W10.

6. W.W1 is one S. Narsiah, in brief he deposed that he joined the Telecom Department as casual mazdoor on 18-6-1982. He worked continuously till December 1985 for 726 days. He was employed for 87 days from January to March 1986. His name was included in the Muster Roll during the above period. After March 1986 i.e. April, 1986 he was not well as he was suffering from T. B. Abdomen. He was under the treatment of Dr. M. Raghupathi Rao, Civil Asst. Surgeon at Headquarters Hospital, Karimnagar. He was under the treatment upto June 1991. He recovered from his illness by July 1991 and obtained a Fit certificate from the said Doctor. He represented to the S.D.O. T. Karimnagar and submitted his fitness certificate. He requested for reinstatement. But the SDOT did not reinstate him into service. Ex. W1 is the xerox copy of the Medical Certificate dt. 12-7-1991 issued by Dr. Raghupathi Rao. Ex. W2 is the original of working days book. Ex. W3 is the xerox copy thereon. Some entries were signed in Ex. W2 as the payments were made on daily wages but when the payments were made once in a month, the entries were signed by the paying authority. Ex. W5 is the copy of SDOT's reply dt. 31-7-1991, prescribing the applicant only as a casual mazdoor. Ex. W6 is the xerox copy of D.G.S's Order dt. 17-10-1988 to regulate seniority.

7. The case of the Petitioner workmen that initially he was recruited as Casual Mazdoor w.e.f. 18-6-1982 by S.D.O.T., Karimnagar, that he was employed for a period of 726 days from 18-6-1982 to September, 1985 that thereafter he was not employed, that again he was employed from January 1986 for 87 days, that during the period from April, 1986 to June, 1991, the petitioner suffered from T.B. Abdomen, that after recovery from illness by June 1991 he approached the Respondent for his reinstatement in service by producing the Medical Certificate of Fitness along with his representation dt. 15-7-1991 addressed to the SDOT, Karimnagar. Now the petitioner workman has to prove whether he has actually worked continuously from 18-6-1982 to September 1985 thus showing 726 days as employed. W.W1 who is the Petitioner-Workman himself examined, filed Ex. W2 the original working days book. A perusal of Ex. W2 would indicate that the Petitioner workman was employed as casual labour from 18-6-1982 to 21-6-1983 and there is a gap of about one year and then he was employed from 1-8-1984 to 8-9-1985. It is clearly seen that the Petitioner workman has not put in 240 days continuous service in a calendar year so as to make him permanent. Further more it is seen that the S.D.T., Karimnagar gave the Petitioner a reply through his letter dt. 30-7-1991 stating that the facts in his representation are contradictory from the Doctor's Certificate. It is also seen that the Respondent failed to verify working days statement though M.R numbers are furnished by the Petitioner as proof of his employment under the Respondent. There is another crucial document filed before this Tribunal by the Petitioner-workman which is marked as Ex. W9. The following is the extract of Ex. W9 which reads thus :

“Para 1 : The word “Recruited” used by the applicant is not correct, as the casual mazdoor does not come under regular establishment and he will be engaged on need basis. The applicant worked from 18-6-1982 to 31-12-1982 and from 20-7-1984 to 25-3-1986 for a period of 172 days from 18-6-1982 to 21-12-1982 for a period of 231 days from 20-7-1984 to 26-3-1985 and for a period of 230 days from 1-4-85 to 28-3-86. The word casual itself indicates that it is a need based one and mazdoor will be engaged as long as there is work. Moreover there is nothing concrete to state that whether the mazdoor was absented himself or due to lack of work.

Para 2

Para 3 : The applicant has stated that he was under the treatment of Dr. Raghupathi Rao from April 1986 to June 1991 for a little more than 5 years. The applicant did not intimate either to his Party-incharge nor to SDOT Karimnagar about his illness or treatment. Moreover it is possible that he might have taken some prescription from the concerned Doctor and might have used medicines to cure his disease. He may be asked to produce some of them in support of his claim. At the start of the treatment he might have taken O.P. ticket for taking treatment in Government hospital, Karimnagar and he might

have obtained medically unfitness certificate in April 1986 after examination by Doctor. He may be advised to submit the same.

Para 4.....

Para 5 : Though the applicant mentioned my remarks in my letter dated 30-7-1991, about contradiction between his statement and Doctor's certificate he did not clarify the same in this para. In that letter I neither denied nor accepted about the correctness of working days particulars. In my letter I mentioned that the applicant did not work for 240 days from 1-3-85 to 28-3-86 due to oversight. It should be read as the applicant did not work for 240 days from 1-4-85 to 28-3-86, as the year is counted from April to March. The mistake is regretted. The applicant stated that I could have verified the correctness of the days from my office records. But in general, the days worked by a mazdoor at the end of every month, will be certified by Party-in-charge and paying Official (J to or Dot) in the days sheet maintained by the mazdoor. This is general practice in the Department. However I verified from the available office records and the days particulars are as follows :

1. From 18-6-82 to 31-12-82—172 days.
2. From 20-7-84 to 26-3-85—231 days
3. From 1-4-85 to 28-3-86—230 days.

Though the applicant mentioned my remarks that he did not inform my office about his sickness he did not supply any clarification for the same.

Para 6 : As mentioned earlier in the previous para the period should be from 1-4-85 to 31-3-86 instead of from 1-3-85 to 28-3-86. In that period the applicant has completed 230 days. Moreover I did not make any mention in my reply about the removal or non-removal of his name from the roll. There is no question of maintaining any rolls for casual mazdoors and hence the question of removal of the applicant does not arise. My letter dated 30-7-91 is only a reply to his earlier representation. It is not a terminating order as nothing of that kind mentioned in that letter.

Para 7.....

Para 8.....

Para 9 : The applicant cannot claim the period of sickness as service due to two facts 1. There is no intimation of his sickness to the competent authority immediately after he fell sick and taking the treatment under Doctor.

2. The absent has to be condoned by competent authority. He cannot be granted temporary status, as per the clarification issued by C.G. M.T. Hyd. vide his letter No. TA/RE/20-2/Rtlo Corr/38 dt. 7-8-91 as he is not currently employed and the condonation of break in service should be referred to the Directorate.

Para 10 : The word 'Recruited' used by the applicant is not correct as the casual mazdoor is engaged on work basis. He has been engaged as per the quantum of work available at that time. The name of the applicant cannot be included in the seniority list as he was not working in the Department rely of the letter by D.G. P&T. He could no be granted temporary status due to the reasons mentioned in para 9".

So from the above facts, it is clear that the Petitioner workman is not entitled to be reinstated into service.

The S.D.O. (T) Karimnagar was justified in not regularising Sri S. Narasiah and the action taken by the Management is legal.

8. In the result, the action of the Management of S.D.O. (T) Karimnagar in not regularising Sri S. Narasiah is legal

and justified. The workman in dispute is not entitled to any relief.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 17th day of September, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I.
Appendix of Evidence :

Witnesses Examined
for Workmen:

Witnesses Examined
for Management:
N.I.L

W.W1 S. Narasiah

Documents marked on behalf Workman :

- Ex. D1/12-7-91—Xerox Copy of Medical Certificates issued by Dr. M. Raghupathi Rao.
- Ex. W2—Original Booklet of the working days particulars of the workman.
- Ex. W3—Xerox Copy of the Ex. W2 (Service particulars)
- Ex. W4/15-7-91—Copy of representation of the workman.
- Ex. W5—Reply of the Respondent issued to Ex. W4.
- Ex. W6/17-10-88—Xerox copy of letter No. 269-69/88-STN, dt. 17-10-88.
- Ex. W7/7-11-89—Xerox copy Order No. 269-10-89 STN dt. 7-11-89.
- Ex. W8/23-8-91—Copy of Complaint to the Management.
- Ex. W9/18-11-91—Parawise comments of the Respondent.
- Ex. W10—Copy of Minutes of conciliation of the Regional Labour Commissioner.

नई दिल्ली, 26 मित्तम्बर, 1994

का.आ. 2885.—ग्रीष्मोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सो. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ग्रीष्मोगिक विवाद में केन्द्रीय सरकार, ग्रीष्मोगिक अधिकरण, हैदराबाद के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-94 को प्राप्त हुआ था।

[सं.एल. 22012/34/92—ग्राही द्वारा (सी.-2)]

गजा ताल, डेस्क अधिकारी

New Delhi, the 26th September, 1994

S.O. 2885.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 22-9-94.

[No. I-22012/34/92-IR C-II]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated, 8th day of September, 1994

Industrial Dispute No. 38 of 1992

BETWEEN :

The General Secretary,
S. C. Automobile Workers Association,

P. O. Godavarikhani,
Dist. Karimnagar (AP).

.. Petitioner.

AND

The General Manager, RG-I,
M/s. Singareni Collieries Company,
Limited, P. O. Godavarikhani,
Dist. Karimnagar (AP). .. Respondent.

APPEARANCES :

M/s. A. K. Jayaprakash Rao, V. Narasimha Goud,
Ch. Indrasena Reddy and K. Srinivas Rao, Advocates—for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha and P.V.K. Kishore Babu, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012/34/92-IR(C.II), dt. 22-6-1992 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act 1947 between the Management of Singareni Collieries Company Limited, RG-I, Godavarikhani and their workmen to this Tribunal for adjudication :—

"Whether the action of the management of M/s. S.C.C. Ltd., RG-I Godavarikhani, in denying to promote Sri L. Mallaiah, Motor Mechanic Cat. VI to Chargehand (Mech.) Gr. 'C' is legal and justified? If not, to what relief he is entitled to ?"

This reference was registered as Industrial Dispute No. 38 of 1992 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner-Union read as follows :—

The Petitioner submits that Mallaiah has joined the service of the Respondent on 6-2-1973 as Fitter Mazdoor Category I. Thereafter the petitioner was promoted as 4th Category Fitter and in 1977 he was promoted as 8th Category and while he was working as 8th Category, his designation was changed as Motor Mechanic Category 6 and at present the petitioner, is working as such. The petitioner submits after completion of 7 years of service, he was called for interview and test for promotion to the post of Mechanical Charge hand. Accordingly the petitioner has attended the interview and test and succeeded in the said test. The Respondent without assigning any reasons ignored the case of the petitioner for promotion to the post of Mechanical Chargehand but promoted several of his juniors to the said post. The petitioner submits that he is entitled for promotion to the post Mechanical Chargehand (C-Grade) on par with his juniors on the basis of his juniors, with all consequential benefits. That though there are vacancies of Mechanical Chargehands at Auto-Workshop, the petitioner's case was not considered for promotion. That several of his juniors who were working in other Trades were given promotions to the post of Mechanical Charge hand other than their concerned trades. Such benefits was not extended to the petitioner by the Respondent-Management only as a measure of victimisation for his genuine trade union activities. That though there are identified vacancies under the Respondents, the Respondent is not filling up the said vacancies only with a view to deprive the petitioner his promotional benefit and thereby cause him hardship. The petitioner therefore submits the action of the Respondent in denying promotion to the petitioner is not only illegal, unjust but it is also against the norms laid down by various settlements/Agreements in respect of promotion policy. The petitioner submits that his co-employees were promoted in the year 1989 and as such the petitioner is also entitled for promotion to the post of Mechanical Chargehand on par with his juniors w.e.f. 1989 onwards with all consequential benefits. It is, therefore, prayed that this Hon'ble Court may be pleased to hold that the action of the Respondent

in denying the petitioner promotion to the post of Mechanical Charge-hand as illegal contrary to law and grant him all consequential benefits of promotion from 1989 onwards on par with his juniors in the interest of justice and fair play.

3. The brief facts of the counter filed by the Respondent read as follows :—

The petitioner is appointed in the Respondent on 6-2-1973 as Fitter Mazdoor in Category-I Wages, i.e. he is General Mazdoor, attached to Fitter to help him and receives Category I wage. Subsequently, the Petitioner was promoted to Category IV as Fitter on 1-4-1974 and later on 1-6-1977, he was promoted to Category V Fitter. As he was working as Motor Mechanic, his designation was changed as Motor Mechanic w.e.f. 23-11-1980. On 1-9-1993, Petitioner was promoted to Category VI Motor Mechanic, when vacancy arose, in the Trade of Motor Mechanic. The Petitioner was also called for Test and Interview for promotion to the post of Chargehand. It is also true that the Petitioner passed Written Test and Interview and was selected as eligible candidate. It is submitted in Singareni, Collieries there are Grades as well as Categories, Petitioner is in Category Post. He is seeking promotion to Grade post and he was working as Motor Mechanic in Automobile Section of Area Workshop, at Ramagundam. In the said Automobile Section of Area Workshop, the requirement of chargehand Grade B/C is 2 and existing strength also is 2. As there are already 2 chargehands in Grade-B on the rolls of Automobile Section of Area Workshop of Ramagundam, no vacancy arose. In view of the Representation made by Unions, management has revised the policy and present policy of filling up the Chargehands vacancy vacancy is only on area-wise keeping in view employees' interest i.e. area-wise promotion is quick instead of region-wise. It is not out of place to mention no junior Motor Mechanic was promoted to Chargehand (Auto) to be compared with Petitioner. Just because candidate passed promotion-test does not confer right on him to be promoted.

It may be noticed Mechanical Chargehand post, is different from Motor Mechanic Chargehand post. Motor Mechanic promotion channel is charge-hand (Auto). Test which has been conducted for Motor Mechanics for Chargehand (Auto), in Motor Mechanic Trade, but not for Mechanic Chargehand. Petitioner cannot compare his case with Mechanical Chargehands (other than from the Trade of Motor Mechanic) or with the Mechanical Chargehand juniors. It is also well settled principle of law that officers who are supervising them have to identify posts basing upon work load. Then alone eligible candidate will be posted. The allegation that his co-employees were promoted in 1989 as such Petitioner is entitled for promotion is not correct. No Motor Mechanic, similarly placed, was promoted as Chargehand (Auto) at Auto Workshop at Ramagundam. So seeking promotion for Mechanical Chargehand with consequent benefits does not arise or can be compare with them. Allegation that action of the management is illegal and arbitrary is not correct and Petitioner is put to strict proof of the same. It is submitted Singareni Collieries Automobile Workers Association is Craft Union, which is also represented by major Unions. All Major Unions entered into Settlement under Section 12(3) of I.D. Act and the said Settlement is binding on the petitioner Union also. In view of above, this Hon'ble Court may be pleased to dismiss the claim petition.

4. The point for adjudication is whether the Respondent in denying to promote Sri L. Mallaiah, Motor Mechanical Cat. VI to Chargehand (Mech.) Gr. 'C' is legal and justified?

5. W.W1 is examined on behalf of the Petitioner and marked Exs. W1 to W9. M.W1 was examined on behalf of the Respondent marked only Ex. M1 on its side.

6. W.W1 is L. Mallayya. In brief he deposed that after one year the Management have made a Test and promoted him to IV Category i.e. Fitter. Subsequently after 3 years the management made test and promoted him to V Category Fitter. While he was working as Motor Mechanic Auto Workshop RG I management changed his designation as Motor Mechanic i.e. Category V. After that the management has given promotion to him from Category V to Category VI. Ex. W1 is the xerox copy of call letters dt. 21-12-1989 regarding there are some identical vacancies chargehand Grade 'C' issued by the General Manager, Ramagundam Area-I. In the conciliation proceedings the management has clearly stated in their views that L. Mallaiah himself has passed the interview and test which was conducted by the management. Ex. W2 is the xerox copy of the management views. The management has not shown any valid reasons and ignored his promotion to the post of Mechanical Chargehand. But management has given promotion to several other juniors to the said post. Ex. W3 is the xerox copy of office order dt. 24-3-1984 regarding promotion from Cat. V to Cat. VI. Ex. W4 is the xerox copy of the office order dt. 1-10-1984 regarding the promotion from V Cat. to VI Cat. Ex. W5 is the xerox copy of office order dt. 6-11-1983 regarding the promotions of V Cat. to VI Cat. Ex. W6 is the xerox copy of the office order dt. 11-4-1990 issued by General Manager, RG Area I regarding Memorandum of Settlement dt. 3-3-1989 regarding the promotions of Cat. VI to Mechanical Chargehand Technical Grade 'C'. Ex. W7 is the xerox copy of the office order dt. 6-11-1990 in accordance with the memorandum of settlement dt. 3-3-1989 regarding promotion to Category VI Ramagundam Region I promoted as Chargehand Mechanical Grade 'C'. Office Order dt. 24-8-1984, 1-10-1984, 6-11-1983 promotions were given from V Category to VI to his juniors and not for him, inspite of he is having better qualifications obtained by him. The management has given promotion to his co-employee in the year 1989 to the post of Mechanical Chargehand but they rejected his promotion. He prays this Hon'ble Court to direct the Respondent to give promotion of post Mechanical Charge Hand w.e.f. 1989 on par with his juniors and with all consequential benefits.

7. M.W1 is G. Ilaiyah. He deposed in brief that General Mazdoors Category is I. Promotions are given from Category I to Higher categories basing on acting and suitability. Fitter Mazdoor is one to carry the tools of a fitter and helps in carrying out the jobs. His Category is 2. Motor Mechanic is a skilled post. On 3-3-1989 there was a settlement between the management and unions. The vacancies position is reviewed once in a year by the Industrial Engineering Department. The contention of the petitioner that his juniors were promoted were without any basis and it is not correct. Areawise promotion is faster to the Regional office. There were no vacancies for motor mechanics chargehand posts. It is not correct that he was not giving promotion as he was not senior and there were two more seniors above him. Now the promotions are area with. Nobody else promoted as motor mechanic who is on par with Sri L. Mallaiah. The settlements are binding on the petitioner and the petitioner unions. Ex. M1 is the xerox copy of the settlement dt. 22-5-1976 enclosing the settlement.

8. The case of the Petitioner Union that L. Mallaiah joined the service of the Company in 1973 as Fitter Mazdoor Category I, later he was promoted to IVth Category Fitter and then to Vth Category and while he was working as Vth Category his designation was changed as Moto Mechanic Category IV. That after 7 years of service, the Petitioner attended the Interview and Test and succeeded in the Test for promotion to the post of Mechanical Chargehand. It is the case of the Petitioner that the Respondent Mechanic aCtegor IV. That after 7 years of service, the Management has not promoted him (Mallaiah) to the post of promoted to the said post. The petitioner contends that only as a measure of victimisation for his genuine Trade unions activities, the Respondent Management has not extended the benefit of promotion.

9. The contention of the Respondent on the other hand that the requirement of Chargehands in Auto Workshop is two and there are already two persons on rolls of Auto Workshop and there is no vacancy of Chargehand, that Mechanical Chargehand post is different from Motor Mechanic Chargehand post, that test which has been conducted for Motor Mechanics for Chargehand (Auto) in Motor Mechanical Trade, but not for Mechanical Chargehand. The petitioner cannot claim for Mechanical Chargehand post nor can be compared for the said post.

10. A perusal of the material records filed before this Court, that Ex. W1 is the call letter issued to L. Mallaiah Motor Mechanic proposing to fill up the vacancies from among the in service Motor Mechanics etc. (ITI with 4 years service in Category VI and non-ITI with 6 years service in Category VI) in accordance with the Memorandum of Settlement dt. 3-3-1989. The selection will be done through Trade Test and he is asked to produce the certificates in original etc. It is seen that the qualification for the post of Mechanical Chargehand and are those who bear I.T.I. Certificate with four years service, and those who are not having I.T.I. Certificate they must have service of six years. A perusal of Ex. W2 would indicate that Sri L. Mallaiah appeared the test conducted on 4-1-1990 and 5-1-1990 for the post of Charge hands and he secured 76% that means he passed the test. It is observed that the management has not shown any valid reasons and ignored his promotion to the post of Mechanical Charge Hand. It is seen that the Management has given promotion to several other juniors to the said post as can be seen from Ex. W3 and W4 and W5. It is pertinent to note that the petitioner workman was not promoted but his juniors were promoted ignoring all the norms though the petitioner workman had better qualifications. It is also seen that the Respondent-Management has given promotion to petitioner's co-employees in the year 1989 to the post of Mechanical Chargehand but no promotion was given to the petitioner-workman to the post of Mechanical Chargehand w.e.f. in the year 1989 i.e. on par with his juniors. So having considered the entire material available on record, I am of the clear opinion that the Respondent Management has denied the promotion to Sri L. Mallaiah, Motor Mechanic Cat. VI to Chargehand (Mech) Grade 'C' which is illegal and unjustified.

11. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, RG-I, Godavarikhani, in denying to promote Sri L. Mallaiah, Motor Mechanic Category VI to Chargehand (Mech.) Grade 'C' is illegal and unjustified. The workmen concerned is entitled for promotion to the post of Mechanical Chargehand with effect from 1989 onwards with all consequential benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 3rd day of September, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I.

Appendix of Evidence

Witnesses Examined
for the Petitioner/Workmen.

Witnesses Examined
for the Respondent/
Management:

W.W1 L. Mallaiah

Documents marked for the Petitioner/Workmen:

Ex. W1 21-12-89—Xerox copy of the call letter for identified vacancies of chargehand in Grade-C.

Ex. W2—Xerox copy of the Management views before conciliation officer.

Ex. W3 24-8-84—Xerox copy of office order regarding promotion to Cat. V to Category VI.

Ex. W4 1-10-84—Do—

Ex. W5 6-11-83—Do—

Ex. W6 11-4-90—Xerox copy of Order regarding Memorandum of settlement 3-3-89 regarding promotion Cat. VI to Mechanical Chargehand (Tech.) Grade-C.

Ex. W7 6-11-90—Xerox copy of order regarding Memorandum of settlement 3-3-89 regarding promotion Col. VI to Mechanical Chargehand (Tech.) Grade C.

Ex. W8 21-6-90— Do—

Ex. W9 30-10-91—Xerox Copy of the views of the S. C. Automobile Workers Association with reference to Ref. No. SCAWA/GDK/11/91.

Documents marked on behalf of Respondent/Management:
Ex. M1 3-3-89—Copy of the settlement between the Union and Management.

नई दिल्ली, 26 सितम्बर, 1994

का.आ. 2886.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में नार्थ ईस्ट कोलफील्ड्स आफ इंडिया लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अमम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-9-94 को प्राप्त हुआ था।

[सं. प्र. 22012/219/88-डी-4(बी.)]
राजा लाल, डैस्क अधिकारी

New Delhi, the 26th September, 1994

S.O. 2886.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Assam as shown in the Annexure in the industrial dispute between the employers in relation to the management of North Eastern Coalfields of India and their workmen, which was received by the Central Government on the 20-9-1994.

[No. L-22012/219/88-D. IV (B)]
RAJA LAL, Desk Officer.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GUWAHATI,

ASSAM

REFERENCE NO. 7(C) OF 1989.

Shri J. C. Kalita, Presiding Officer, Industrial Tribunal Guwahati.

In the matter of an Industrial Dispute between :
The Management of Tipong Colliery North Eastern Coal Field, Coal India Ltd.

AND

Their 35 workmen named in the Notification No. L-22012(219)/88-D. IV B/IR (C. II), dated 21-7-89 represented by the Assam Colliery Mazdoor Congress, Bargolai, Dibrugarh.

AWARD

This reference arising out of the Central Government Notification No. L-22012(219)/88/D. IV B/IR (C. II), dated 21st July, 1989 relates to the dispute indicated in the Schedule below :—

“Whether the action of the Management of Tipong Colliery, North Eastern Coalfields of Coal India Ltd., to employ the 35 workmen as casual and to continue the same such for years, is justified?

‘ If not, to what relief the workman concerned are entitled ? ’

On receipt of the notification notices were sent to the parties directing to appear before this Tribunal and to file their written statement. Both the parties appeared before this Tribunal and file their written statements.

On 24-8-1994 both sides present. The Secretary of the Union has filed a petition praying to dispose of the reference by awarding a no dispute award as the matter is likely to be settled as per the Bilateral agreement reached between the Management and the National Mine Workers Federation.

Heard both sides, Prayer allowed and the reference is disposed of by a no dispute award.

I give this AWARD on this 24th day of August, 1994 at Guwahati.

J. C. KALITA, Presiding Officer.

LIST OF THE WORKMEN :

1. Shri Lakhiram Soner
2. Shri D. Ananda Rao
3. Shri K Erraiya
4. Shri Nandeswar Saikia
5. Shri Manohari Barman
6. Shri Abdul Mazid
7. Shri Taybe Ali
8. Shri Amir Hussain
9. Shri Gauranga Malik
10. Shri Biman Dutta
11. Shri Basir Khan
12. Shri Rajnath Rai
13. Shri A. Apparao
14. Shri Anan Das
15. Shri Upen Bhuyan
16. Shri Narayan Sahu
17. Shri Mon Bah. Chetry
18. Shri Mukhilal Rai
19. Shri Durga Bah. Chetry
20. Shri Nagen Borah
21. Shri G. Surnarayan
22. Shri Chandraket Saha
23. Shri Jogendra Rai
24. Shri Ganga Bah. Pradhan
25. Shri P. Chasaniya
26. Shri T. Enkotrao
27. Shri Seo Sankar Ram
28. Shri P. Apparao
29. Shri R. Rangarao
30. Shri L. Trinath
31. Shri S. Mohanrao
32. Shri K. Simachalam
33. Shri Birjoo Koot
34. Shri D. Apparao
35. Shri S. Norsimloo.

नई दिल्ली, 28 सितम्बर, 1994

का.आ. 2887.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में एस०सी०सी०एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, हेवरावाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-9-94 को प्राप्त हुआ था।

[एल-22012/346/90-आई आर सी-2]
राजा लाल, डैस्क अधिकारी

New Delhi, the 28th September, 1994

S.O. 2887.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 26-9-1994.

[No. L-22012/346/90-IR-C.II]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I

Dated, 14th day of September, 1994

Industrial Dispute No. 6 of 1991

BETWEEN

The Workmen represented by the General Secretary, Singareni Collieries Medical and Sanitary Employees Union, Kothagudem. Petitioner.

AND

The Management of Singareni Collieries Company Limited, Kothagudem, Khammam Dt. Respondent.

APPEARANCES :

M/s. V. Venkataramana, V. Srinivas and B. H. Ravi, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(346)/90-IR(C.II), dated 8-3-1991 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of Main Hospital of M/s. Singareni Collieries Company Limited, Kothagudem and their workmen to this Tribunal for adjudication :

"Whether the action of the Chief Medical Officer, Main Hospital, M/s. Singareni Collieries Co. Ltd., Kothagudem in collecting the amount from the staff of Wards/Departments for missing materials/linen from time to time is justified? If not, to what relief the Nursing Staff/Ayahs/Ward Boys/Scavengers are entitled?"

This reference was registered as Industrial Dispute No. 6 of 1991 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner-Union read as follows:—It is submitted that the Chief Medical Officer used to forcibly collecting certain amounts from Nursing Staff, Ayahs, Ward Boys and Scavengers towards missing linen/articles irrespective of demurrages/deficit of the linen since 1987. No receipts were issued for the collected money. Some employees were paid while some were rejected stating that they were not responsible for the missing things. Again the C.M.O. used to threaten the staff through her subordinates supervisory staff with the weapon of transfer as well as disciplinary action in case of refused workmen. The CMO extended the collection above said, to all the Area Hospitals of Ramakrishnapur, Bellampalli and Godavarikhani and 50 Bedded hospitals like Yellandu. On the representation of forced workmen, the Union raised objection towards the forcible collection without issuing receipts. Hence there is no records of collected amounts. Again the C.M.O. started to collect the amount by issuing receipts. Eventhough some workmen were refused to pay as they are not responsible for the missing things. Moreover the C.M.O. used to start to threaten the workmen especially females with the weapon of transfer and disciplinary action through her subordinate supervisory staff like Nursing Superintendent etc. Further the C.M.O. started to issue letters to the workmen ordering them to pay the amount towards missing linen

through her Medical Superintendent. Hence the workmen used to start to submit this grievance under grievance procedure Stage I, Stage II and Stage III in accordance with the Company Circular No. P/3042/1702, dated 15-7-1972. On the dissatisfaction of the reply of the Chief Medical Officer for the representation of the Grievance Procedure Stage I and Stage II, the workmen requested the C.M.O. to refer their grievance to GRIEVANCE COMMITTEE. The CMO referred the grievance to Grievance Committee and the grievance committee was formed in accordance with the Circular No. P/3042/1702, dated 15-7-72. The workmen authorised Sri B. Appa Rao, General Secretary of the S.C. Medical and Sanitary Employees Union as their representation in the Grievance Committee formed and the Secretary of recognised Union also attended as per the above Circular. Since there is no favourable reply the same grievance was incorporated as a demand No. 3 in the Strike Notice dated 4-8-1990. Demand No. 3 in respect of forcible collection towards missing linen by C.M.O. is referred by the Ministry of Labour, Government of India on the failure to report made by the Asstt. Labour Commissioner (Central), Vijayawada. It is submitted that the action of the CMO in forcible collection amounts from the staff working in Hospitals of the Company is totally unauthorised and opposed to law. The amounts are collected under pressure and without following any procedure. No opportunity to show cause and explain is given before the action is taken. After reference of this dispute, the C.M.O. has stopped the illegal collection. Dr. Smt. M. Ramalakshmi, CMO is liable to refund the illegal collection to the respective workmen. It is therefore prayed that this Hon'ble Court may be pleased to answer the reference in favour of the workmen and declare that the action of the C.M.O. of the Company in forcibly collecting amounts from the workmen employed in the Hospitals on account of missing linen without opportunity is illegal and direct the respondents to refund the amounts so collected forcibly with interest @18 per cent p.a. and for bear from collecting any amounts towards the alleged missing linen in future and grant such other orders as this Hon'ble Court may deem fit and proper.

3. The brief facts of the counter filed by the Respondent read as follows:—It is submitted that the Respondent being public sector undertaking as a welfare measure for the workmen, is having number of hospitals and dispensaries in the areas. For patients, hospital provides beds, linen, diet and medicines all with free of cost. Linen which is purchased will be in the charge of Stores and the Stores Department from time to time as per the need will be handing over the same to the use in the wards of the hospitals. Ward Boys, Nursing Staff, Ayahs, Sweepers, Scavengers together work as a team to maintain the ward, its cleanliness and also they will be that if any linen is soiled it will be replaced. All the soiled linen will be handed over to the washerman for washing purpose. At every stage this work is done with the coordination of each other and work is being done accordingly. One cannot isolate the work by independently giving responsibility to one of the employees. It may be noticed in the hospitals that keeping view of the urgency and emergency the staff will be rotated in the shifts. That was the reason after cleaned bed spread is placed on the bed patient will be laying down and shift staff may be changed but still linen is on the beds. The normal procedure is that a book is maintained in which number of bed spreads given to the ward is maintained and staff will be in rotation for 3 months and for every 3 months staff will be changed. At the time of Staff change inventory will be made to find out with regard to material given including linen whether accounted for it or not. If any shortage is found cost of the lost items will be recovered from the staff who worked in that ward as team and the amount is equally divided between the staff members. It may be noticed the staff are changed from ward to ward for every 3 months and their jobs being transferable and also their service can be transferred to another hospitals. On the whole, the team of the staff, as one group are accountable for the linen handed over to them during that period. Any of the items falling short, the cost of same is recovered equally from the entire staff responsible for that particular ward. Infact Union and workmen in dispute should not have any grievance as this is an administrative procedure and in normal course adopted for the purpose of checking inventory and to prevent loss of the goods. Instead of following the procedure which is in vogue some of the staff with ulterior motives and with an intention of having unjust enrichment they have not followed the proce-

dure. Loss is caused to the management by not showing inventory. The procedure adopted in the company hospitals is an established procedure in all the hospitals and public bodies. What the Union is seeking from this Hon'ble Court is though linen and material given to staff are lost they should not be made accountable and they need not reimburse, which is unheard of in law. As the work being done is a team work and one cannot pin point the nursing staff, ayah or scavengers etc. the entire staff is responsible for the same. This being a collective responsibility of the staff there is no other alternative left except to ask them to make good the loss collectively. There are occasions some times Nurse changes the bed sheet or Ayah changes or Ward Boy or Scavenger and as such one cannot be singled out for responsibility. There are no merits in the petitioner case, and is not entitled for any relief.

4. An additional counter is filed by the Respondent which read in brief as follows:—The Nursing staff, Ayahs, Wardboys are the custodians of the articles, linen and other materials. If any damage or deficit occurs for the goods in the custody of the staff, they alone are responsible for the loss and they have to reimburse the cost of it. Having come to know of these losses and with a view to minimise the losses certain guidelines were given by the Chief Medical Officer vide her letter dated 19/12-9-1987 and every staff member was asked to comply with. No amounts were collected illegally from anybody, at any point of time. All the employees who found themselves responsible for such losses have made the payments. Not even a single employee who refused to make payment has been transferred and no disciplinary action has been taken for refusal of payment. Infact the company record show that all the employees who are responsible for loss of goods, have not paid and only a few of them had paid. The practice and procedure which has been established for recovery of the value of missing articles and materials has been complied. The allegation that the Staff are entitled for refund of the amounts collected with 18 per cent interest per annum is beyond reason. The petitioner Union cannot demand to refund the amount paid by the workmen voluntarily accepting the responsibility towards the cost of material lost under their charge. In view of the above mentioned facts, the Hon'ble Court may be pleased to dismiss the claim petition.

5. The point for adjudication is whether the action of the Respondent in collecting the amount from the staff of Wards/Department for missing materials/linen from time to time is justified?

6. W.W.1 is examined on behalf of the Petitioner and marked Exs. P1. M.W.1 was examined on behalf of the Respondent and marked Exs. R1 to R19.

7. W.W.1 is Bhupathi Appa Rao. He deposed that he is the General Secretary of the S.C. Medical and Sanitary Employees Union. Their Union has raised this dispute. They have raised this I.D. questioning the collection of money from the Union members who are working as Ward Boys, Staff Nurse Ayahs and Scavengers for the loss of linen bed sheets, blankets, pillow covers and other such material. The Staff Nurse is the incharge of the Ward and also for the materials supplied for the ward or she/he is accounts for it. Only taking the responsibility of taking and handing over charge vested in the hands of duty staff nurse. The Medical Superintendent issued notice to the workers in the unit for the loss of certain articles and to pay the cost of the same. Ex. W1 is the said notice.

8. M.W.1 is Dr. T. Krishna Prasad. In brief he deposed that he is working as Medical Superintendent in S. Co. Main Hospital, Kothapetdem since 1993. He knows the facts of this case. The linen will be in the custody of the staff nurse and she issue the linen to the ward boy or Ayahs to see the patient the Staff Nurse on duty incharge of the ward who received linen from the stores has to account for the same. The Sweepers also are responsible for handling the soiled linen. After conducting proper enquiry the cost of the material which were lost were ordered to be recovered in lump sum from the salary of the concerned staff. After issuing to the concerned staff, they requested the management not to initiate disciplinary proceedings and agreed for recovery of the same. He has considered the request of the concerned staff they affect recovery of the cost of material from their salaries. Exs. M1 to M19 are the xerox copies of the consolidated recovery statements and receipts.

9. The case of the Petitioner Union in this case is that the Chief Medical Officer used to foreby collect amounts from Nursing Staff, Ayahs, Ward Boys and Scavengers towards missing Linen/articles since 1987, that no receipts were issued for the collected money, that some paid while some rejected to pay, mentioning that they are not responsible for the missing things, that the C.M.O. used to threat the staff through her subordinate supervisory staff with the weapon of transfer as well as disciplinary action in case of refused workmen. That the C.M.O. extended the collection above said to all the Area Hospitals of Ramakrishnapur, Bellampalli and Godavarikhani and 50 Bedded Hospitals like Yallandu, that on the representation of forced workmen, the Union raised objection towards the forcible collection without issuing receipts, that there is no records of collected amounts, the C.M.O. used to start to threaten the workmen especially females with the weapon of transfer and disciplinary action through her subordinate supervisory staff like Nursing Superintendent etc. later the C.M.O. started to issue letters to the workmen ordering them to pay the amount towards missing linen through her Medical Superintendent. To avoid and escape from the threatens and sense of fear for transfers the Union made representations to grievance procedure, since there is no favourable reply the same grievance was incorporated as a demand No. 3 in the Strike Notice dated 4-8-1990 in respect of forcible collection towards missing linen by C.M.O. it is pleaded that the action of the C.M.O. in forcibly collecting amounts from the Staff working in Hospitals of the Company is totally unauthorised and opposed to law.

10. On the other hand the case of the Respondent is that the Nursing Staff, Ayahs, Wardboys are the custodians of the articles, linen and other materials, that if any damage or deficit occurs for the goods in the custody of the staff, they alone are responsible for the loss and they have to reimburse the cost of it, that all the employees who found themselves responsible for such losses have made the payments that not even a single employee who refused to make payment has been transferred and no disciplinary action has been taken for refusal of payment, that there is a uniform established procedure and practice as on today that if any material or linen are missing, the staff is collectively reimbursing for the same as they are responsible, that having been responsible for the articles lost, to disown their responsibility this Industrial Dispute has been raised.

11. From the perusal of the material available on record it is seen that the Chief Medical Officer used to collect certain amounts from Nursing Staff, Ayahs, Wardboys, Scavengers towards missing linen and articles since the above mentioned staff are the custodians of the articles, linen and other materials. It is also seen that if any damage or deficit occurs for the goods in the custody of the staff, they alone are responsible for the loss and they have to reimburse the cost of it. The Respondent management having come to know of these losses and with a view to minimise the losses certain guidelines were given by the Chief Medical Officer vide letter No. CHK/104/13973, dt. 19/12-9-1987 and every staff member was asked to comply with. It is seen from the records marked on behalf of the Respondent-Management that the staff concerned had accepted their collective responsibility and voluntarily came forward to reimburse the cost of the materials lost under their custody. All the employees who found themselves responsible for such losses have made the payments under Exs. M1 to M19. It is seen that the normal procedure adopted is that a book is maintained in which number of bed spreads given to the ward is maintained and staff will be in rotation for 3 months and for every 3 months staff will be changed. At the time of staff change inventory will be made to find out with regard to material given including linen whether accounted for it or not. If any shortage is found cost of the lost items will be recovered from the staff who worked in that ward as team and the amount is equally divided between staff members. On the whole, the team of the staff, as one group are accountable for the linen handed over to them during that period. Any of the items falling short, the cost of same is recovered equally from the entire staff responsible for that particular ward. This procedure was resorted to by the Management as lot of linen was lost and to fix up responsibility to the staff

this procedure was made known to every member of the staff. The Nurse|Ward Boy|Ayah|Sweeper ((Male|Female) are handling linen the procedure is as follows :—

- (1) Nurses maintain the account of receipts and issue etc. and attend the charge of linen.
- (2) Ward Boys|Ayah is responsible to give linen to the patients and make them remove the used ones and wear the fresh ones. Ward Boy|Ayahs change the bed linen also.
- (3) The Scavengers remove the soiled linen and put in the soiled linen box and while giving to Dhobi, assist the Nurse or Ward Boy|Ayah to count and handover to Dhobi.

It is also seen that the Staff have agreed that whenever linen or any item is lost they will reimburse the amounts also. On a perusal of the entire records, it is seen that the work is being done in a team work and one cannot pin point the Nursing Staff, Ayah or Scavenger etc. the entire staff is responsible for the same. Since this being a collective responsibility of the staff there is no other alternative left for the Respondent except to ask them to make good the loss collectively and that it is also seen that the amount which the staff are paying was also not heavy amount. Having considered the material available on record the Petitioner Union cannot demand to refund the amount paid by the workmen voluntarily accepting the responsibility towards the cost of material lost under their charge. I find there are no merits in the petitioner case. It is also seen that the Respondent-Management has not taken many disciplinary action against the staff who have paid the amounts on the lost linen or articles, and even those workmen who had refused and not paid for the missing articles, were not transferred and no action was taken against them. In view of the above I am of the clear opinion that the Respondent Management was justified in collecting the amounts from the staff of Wards|Departments for missing materials/linen from time to time.

12. In the result the action of the Chief Medical Officer, Main Hospital, M/s. Singareni Collieries Company Limited, Kothagudem in collecting the amount from the staff of Wards|Departments for missing materials/linen from time to time is justified. The Nursing Staff|Ayahs|Ward Boys|Scavengers are not entitled to any relief.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 14th day of September, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined

for Petitioner :

W.W1—Bhupathi Apparao.

Witnesses Examined

for Respondent :

M.W1—Dr. T. Krishna Prasad.

Documents marked for the Petitioner|Workmen :

Ex. M1/7-1-89.—Xerox copy of the original receipt the missing articles.

Documents marked for the Respondent|Management :

Ex. M-1/7-1-89.—Xerox copy of the original receipt No. 9093 of Respondent-Management.

Ex. M2/7-1-89.—Xerox copy of the statement showing the missing linen cost.

Ex. M3/10-2-89.—Xerox copy of the original receipt No. 9539 of the Respondent.

Ex. M4/9-2-89.—Xerox copy of the statement showing the missing linen cost.

Ex. M5/11-2-89.—Xerox copy of the original receipt No. 9559 of the respondent.

- Ex. M6/10-2-89.—Xerox copy of the statement showing the missing of linen cost.
- Ex. M7/6-3-89.—Xerox copy of the original receipt No. 87 of Respondent.
- Ex. M8/4-3-89.—Xerox copy of the statement showing the missing linen cost.
- Ex. M9/2-5-89.—Xerox copy of the original receipt No. 1075 of Respondent.
- Ex. M10/29-4-89.—Xerox copy of the statement showing the missing linen cost.
- Ex. M11/29-4-89.—Xerox copy of the statement showing the missing linen cost.
- Ex. M12/16-5-89.—Xerox copy of the original receipt No. 1340.
- Ex. M13/16-5-89.—Xerox copy of the statement showing the missing linen cost.
- Ex. M14/16-5-89.—Xerox copy of the statement showing the missing linen cost.
- Ex. M15/2-6-89.—Xerox copy of the original receipt No. 1565.
- Ex. M16/1-6-89.—Xerox copy of the statement showing the missing of linen cost.
- Ex. M17/17-7-90.—Xerox copy of the receipt voucher No. 1536 of the Respondent.
- Ex. M18/17-9-90.—Xerox copy of the statement showing the missing of linen cost.
- Ex. M19/17-9-90.—Xerox copy of the statement showing the missing linen cost.

Y. VENKATACHALAM, Industrial Tribunal-I

नई दिल्ली, 28 सितम्बर, 1994

का.आ. 2888.—औद्योगिक विवाद अधिनियम, 1947

(1947 का 14) की धारा 17 के अनुसरण में एस सी गी पन के प्रबंधतांक के संबंध नियोजकों और उनके कमंकारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-9-94 को प्राप्त हुआ था।

[सं. एल-22012/35/92-प्राई आर सी-III]

राजा लाल, डैस्क अधिकारी

New Delhi, the 28th September 1994

S.O. 2888.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the Industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 26-9-94.

[No. L-22012/35/92-IRCL] RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT:

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated : 14th day of September, 1994

INDUSTRIAL DISPUTE NO 32 OF 1992 BETWEEN

Vice President, Singareni Collieries
Employees Council (TNTUC)
Godavarkhani, Kairimnagar Dist., ... PETITIONER
AND

General Manager, R.G.I.,
 Singareni Collieries Company Limited,
 Godavarikhani, Karimnagar District
 . . . RESPONDENT

APPEARANCES:

M/s. A. K. Jayaprakash Rao, V. N. Goud and P. Srinivasa Rao, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012/35/92-IR(C.II), at 16-6-1992 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of Singareni Collieries Company Limited, RG-I, Godavarikhani and their workmen to this Tribunal for adjudication:

"Whether the action of the management of M/s. S.C.C. Ltd., RG-I, Godavarikhani, in denying to protect the wages of Sri D. Mallesh, General Mazdoor, is legal and justified? If not, to what relief the concerned workman is entitled to?"

This reference was registered as Industrial Dispute No. 32 of 1992 and notices were issued to both the parties.

2. The brief averments of the claim statement filed by the Petitioner-Union read as follows:—It is submitted that the concerned workman Sri J. Mallesh, was appointed in the Respondent Collieries as badli Filler, G.K.I. and latter on he was promoted as Coal Cutter in the year 1978. While the concerned workman was working as a Coal Cutter an accident occurred during the course and out of his employment on 29-5-1986. It is submitted that while he was lifting the crop it was slipped and fell above his right knee and due to said injury his right leg was operated and there are no movements in his right leg. Therefore, he was declared medically unfit. That as on the date of the accident as a coal cutter he was drawing a monthly salary of Rs. 3,000.00. He was declared unfit for any ground job and the Respondent has failed to pay the concerned workman any compensation under the workmen's compensation act and also failed to provide him alternate job. In pursuance of the directions of the Hon'ble High Court, he was provided with alternate job of General Mazdoor. The Respondent company is paying him only an amount of Rs. 21.16ps. per day and thereby failed to protect his last drawn salary of Rs. 3,000.00 per month which he was drawing as a coal cutter before occurring of the accident which occurred during the course and out of his employment. That there are settlements between the petitioner's Union and the Management and as per Item No. 17 of Settlement dt. 12-3-1990 it has been agreed that "the employees involved in accident and declared medically unfit and found suitable for surface job, all efforts will be made to offer suitable alternate employment on surface with protection of wages and also it was further agreed to give continuance of surface". The Respondent wilfully denied pay protection to him, whereas in the cases of others pay protection was given to such of those employees who were provided with alternate employment. The concerned workman therefore prays that this Hon'ble Court may be pleased to hold that the action of the Respondent in denying pay protection to the concerned workman as illegal, unjust and direct the Respondent to give pay protection to him with all consequential benefits.

3. The brief facts of the counter filed by the Respondent read as follows:—It is true that a minor accident occurred to Sri D. Mallesh on 29-5-1986 and he was treated as outpatient. It is true that the workman in dispute while working in the first shift of 29-5-1986 received an injury due to fall of prop on knee but that injury was a minor one. It may be noticed that as stated earlier, after that petitioner gone on leave on 4-6-1986 and he resumed duty on 11-6-1986 and in the month of July, 1986 once again he reported at Area Hospital, Ramagundam and the Orthopaedic Surgeon examined him on X-ray and found that there is malignant

growth of the knee and diagnosed it as cancer and to arrest the cancerous growth the Orthopaedic Surgeon operated him and removed knee cap and from thigh-bone he put a steel rod from hip to knee the main reason being that the entire bone was removed because of cancerous growth. The maximum treatment was given at Area Hospital, Ramagundam and then he was sent to Cancer Hospital, Hyderabad for further treatment and subsequently he was declared as unfit for underground job. His services were terminated w.e.f. 12-3-1987 as a result of his unfitness to work in underground mine. The employee was declared unfit for the job only because of cancer disease but not because of the alleged minor mine accident. The allegation that the accident occurred during the course of employment and that was the cause for unfitness of the employee, is not correct. The mine accident has nothing to do with his medical unfitness. To the knowledge of this Respondent, no rule or regulation or settlement was violated by the Respondent. It is respectfully submitted that the concerned workman is not at all entitled for protection of pay or continuity of service as alleged. There are no merits in the petitioner's case. In view of the above mentioned facts this Hon'ble Tribunal may be pleased to dismiss the claim petition as devoid of merits.

4. The point for adjudication is whether the action of the Respondent in denying to protect the wages of Sri D. Mallesh, General Mazdoor is legal and justified?

5. W.W1 was examined on behalf of the Petitioner Union and marked Exs. W1 to W4. No oral or documentary evidence have been let in by the Respondent.

6. W.W1 is T. Mallesh. In brief he deposed that he was appointed as Badli Filler in the year 1975 in the Respondent-Company. Subsequently he got promotion as Coal Cutter in the year 1978. While he was working as Coal Cutter an accident occurred during the course and out of his employment in the year 1986. Ex. W1 is the xerox copy of the accident report. After that respondent has removed from service. Ex. W2 in the xerox copy of the office order regarding declared him as medically unfit dt. 26-3-1987. Ex. W3 is the xerox copy of the office order dt. 5-4-1990 issued by the Director of the Respondent regarding implementation of item No. 17 in terms of the memo of settlement dt. 12-3-1990 alternative employment to underground employees who are medically unfit with protection of wages. Similarly other employees those who met the accident during the course of their employment in the Respondent have been given alternative employment and at the same time the company paid the protection of pay. They are Yerra Mallaiah and Asperadham. Ex. W4 is the xerox copy of discharge certificate issued by Medical Officer. He filed a petition before the Dy. Commissioner of Labour, Warangal for award of compensation in lieu of the permanent disability he suffered in the accident. The Deputy Commissioner of Labour, Warangal awarded an amount of Rs. 40,300.00.

7. The contention of the Petitioner Union that Sri J. Mallesh, was working as a Coal Cutter an accident occurred during the course and out of his employment on 29-5-1986, that while he was lifting the prop it was slipped and fell above his right knee and due to the said injury his right leg was operated and there are no movement in his right leg, he was declared medically unfit. It is further contended that on the date of the accident as a coal cutter he was drawing a monthly salary of Rs. 3,000.00. That he was declared unfit for any ground job and the Respondent has failed to pay the concerned workman any compensation under the Workmen's Compensation Act and failed to provide him alternate job. It is contended that the Respondent is paying him only an amount of Rs. 21.16 ps per day and thereby failed to protect his last drawn salary of Rs. 3000.00 per month which he was drawing as a coal cutter before occurring of the accident which occurred during the course and out of his employment.

8. The contention of the Respondent on the other hand is that admitted the workman in dispute while working in the first shift of 29-5-1986 received an injury due to fall of prop on knee, the employee was declared unfit for the job only because of cancer disease but not because of the alleged mine accident, the mine accident has nothing to do with his cancer. Further contended that if is a case of mine accident, the workman is paid compensation under the Workmen's Com-

pensation Act. That in view of the direction of the Hon'ble High Court the workman in dispute was considered and he was given the post of Surface General Mazdoor and he is entitled to draw salary of Category I.

9. A perusal of the record Ex. W3 would indicate that in accordance with the Item No. 17 of the terms of Memo of Settlement dt. 12-3-1990, it has been agreed that employees involved in mine accidents and declared medically unfit for underground work and found suitable for surface job, all efforts will be made to offer a suitable alternative employment on surface with protection of wages. In this case the workman met with an accident occurred during the course and out of his employment on 29-5-1986 while he was lifting the prop it was slipped and fell above his right knee and that he was declared medically unfit. This also was admitted by the Respondent that the workman met with an accident underground. Now in view of the above settlement the concerned workman is claiming protection of his pay and claims that in the cases of other pay protection was given to such of those employees who were provided with alternate employment. Though the disputed workman was given alternate job but not protected his last drawn salary of Rs. 3,000.00 per month which he was drawing as a Coal Cutter before occurring of the accident. On a consideration of the material available on records, I am clearly of the view that the Respondent-Management should protect the pay of the concerned workman of Rs. 3,000.00 per month which he was drawing as a Coal Cutter before occurring of the accident which occurred during the course and out of his employment which is legal and just under the settlement dt. 12-3-1990.

10. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, R.G.I., Godavari-khali, in denying to protect the wages of Sri D. Mallesh, General Mazdoor, is illegal and unjustified. The concerned workman is entitled to all the consequential benefits of his protected pay. The Management is directed to pay arrears due to the workman within one month from the date of publication of this award.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 14th day of September, 1994.

Y. VENKATACHALAM, Industrial Tribunal

Appendix of Evidence.

Witnesses Examined on
behalf of Workmen:

W.WI Mallesha

Witnesses Examined on
behalf of Management:

NIL

Documents marked on behalf of Workman:

- Ex. W1/29-5-86—Xerox copy of the Accident Report.
- Ex. W2/26-3-87—Xerox copy of the Office Order issued by the Respondent to the Petitioner.
- Ex. W3/5-4-90—Xerox copy of the office Order issued by the Director of the Respondent Company.
- Ex. W4/11-9-96—Xerox copy of the Discharge Certificate.

Documents marked on behalf of Respondent:

NIL

Y. VENKATACHALAM, Industrial Tribunal.

नई दिल्ली, 28 सितम्बर, 1994

का.आ. 2889.—आंदोलिक विवाद अधिकारम्, 1947

(1947 का 14) को धारा 17 के अनुसरण में केन्द्रीय मरकार ट्रेनिंग मूल्यांकन के विवरों के संबंध नियोजकों और उनके कर्मकारों के बीच अन्वेषण में निफ्ट आंदोलिक विवाद में श्री जी. कनाकला, जायन्ट सी एन

सी (सी) के आविदेशन पंचपट को प्रकाशित करती है, जो केन्द्रीय मरकार को 23-9-94 को प्राप्त हुआ था।

[संख्या एन-40013/1/94-आई आर(डी य)]

के.वा.बी. उन्नी, ईस्ट अधिकारी

New Delhi, the 28th September, 1994

S.O. 2889.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Arbitration award of Shri G. Kanakiah Jr. C.I.C. (C) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunications, Peddapalli and their workmen, which was received by the Central Government on 23-9-94.

[No. L-40013/1/94-IRD(U)
K. V. B. UNNY, Desk Officer

ANNEXURE

Award in the Industrial Dispute between the Department of Telecommunications, Peddapalli and their workmen represented by the All India Telecom Employees Union Line Staff and Group-D, Warangal Area, Distt. Karim Nagar, regarding alleged illegal retrenchment of services of Shri A. Gajanand, Ex-casual mazdoor.

PRESENT :

On behalf of the
Department of
Telecommunications :

- 1. Shri N. Sathyatadam, Telecom Distr. Engineer, President, Hyderabad.
- 2. Shri C. H. Sivashankar Rao, Employees Union, S.D.O.T., Hyderabad Line Staff & Group D. A. P. Circle.

On behalf of the
Union/Workmen :

AWARD

The Government of India, Ministry of Labour vide Notification No. 120043/1/94-IRD(U) dated 3-8-94 referred the industrial dispute between the Telecom Department of Peddapalli and their workmen represented by the All India Telecom Employees Union Line Staff and Group-D, Warangal Area, Distt. Karim Nagar, Andhra Pradesh regarding alleged illegal retrenchment of Shri A. Gajanand for my arbitration,

Hearing in the above matter was held on 10th August, 1994 and 14th August, 1994 at Hyderabad. On 10th August, 1994, the Telecom District Engineer Adilabad attended on behalf of the Department of Telecommunications and informed that Shri A. Gajanand, S/o. Shri Babu, has been taken back into service w.e.f. 17th July, 1994. He also informed that Shri Gajanand has been conferred temporary status vide office order no. E-35-3/AD-B/94-95/19 dated 14th July, 1994. The representatives of the Telecom Department also filed a copy of the certificate issued by the S.D.O. to the effect that Shri Gajanand has been conferred the status vide office order No. E-35-3/AD-B/94-95/19 dated 14th 17th July, 1994. In view of the above, the Telecom District Engineer, Adilabad submitted that the industrial dispute raised by the union stand settled and requested for giving the award accordingly.

On 14th August, 94, Shri C. Suryanarayana, President, All India Telecom Employees Union Line Staff and Group-D, A. P. Circle, attended on behalf of Shri A. Rajamallu, Area Secretary of the above union in Warangal Area. He

admitted that Shri A. Gajanand, O.C., ex-casual mazdoor has been taken back into service w.e.f. 17th July, 1994 and has been conferred temporary status by the Telecom District Engineer, Adilabad District vide Office Order No. E-35-3-ADB/94-19 dated 14th July, 1994. He, however, mentioned that his name has been shown as A. Gajanand instead of Shri A. Gajanand. Since the employee has been taken back into service and also conferred temporary status, he requested for treating the industrial dispute as closed and giving the award accordingly.

The main issue in the dispute is regarding alleged illegal retrenchment of the services of Shri A. Gajanand as casual mazdoor. The Department of Telecommunications submitted that the employee has been taken back into service and conferred 'temporary status' too in accordance with the instrument of the Department of Telecommunications. Since the matter has been resolved to the satisfaction of the union/employee, the union agreed to treat the matter as settled. In the circumstances, I consider that the re-employment of Shri A. Gajanand and conferring temporary status w.e.f. 17-7-94 settles the matter in dispute. Considering the above arrangement as fair and just, I give my award accordingly.

I. KANAKIAH, Jr. Chief Labour Commissioner (Central)

नई दिल्ली, 28 सितम्बर, 1994

का.आ. 2890.—आंशिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोचीन पोर्ट ट्रस्ट विलिंगडन रोड, कोचीन, केरला, के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, प्रबंध में निर्दिष्ट आंशिक विवाद में केन्द्रीय सरकार लियर कोर्ट असाकुल्ताम, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-9-94 को प्राप्त हुआ था।

[संख्या एल-35011/2/88-जा4(ए)/डी 3(बी)]
वी.एम. डेविड, डैम्स अधिकारी

New Delhi, the 28th September, 1994

S.O. 2890.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Labour Court, Ernakulam, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Cochin Port Trust, Wellington Island, Cochin, Kerala and their workmen, which was received by the Central Government on 28-09-94.

[No. L-35011/2/88-D.IV(A)/D.III(B)]
B. M. DAVID, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,
ERNAKULAM

(Labour Court, Ernakulam)

(Thursday, the 25th day of August, 1994)

Present :

Shri M. V. Viswanathan, B.Sc., LL.B., Presiding Officer,
Industrial Dispute No. 15 of 1990 (C)

BETWEEN

The Cochin Port Trust, Wellington Island, Cochin-682003,
Kerala,

AND

The General Secretary, Cochin Harbour Workers Union,
Wellington Island, Cochin-682 009, Kerala.

Representations :

M/s. Menon & Pai, Advocates, Kochi-11—For Management.

Sri K. Ramkumar, Advocate, Kalathiparambil Lane,
Kochi-16—For Union.

AWARD

This industrial dispute was referred to this court by the Central Government as per Order No. L-35011/2/88-D. IV(a)/D.III(B). The dispute is between the management of Cochin Port Trust, Cochin and their workmen represented by the General Secretary, Cochin Harbour Workers Union, Wellington Island, Cochin-682 009, Kerala. The issue referred for consideration is "Whether the action of the management of Cochin Port Trust in denying promotion as lascar to S/Shri. M. V. Vasu, Andappan V., Purushan V. C. Gopi K. G. No. 1, Raghavan P. K., Damodaran M. G. and Uthran T. K., casual Mazdoors is justified. If not, to what relief the workmen concerned are entitled ?"

2. The notice of the above order of reference was served on the management and the union and both the parties entered appearance and submitted their pleadings. But subsequently, there was no representation for the union. When the case was taken up on 9-8-94 and 23-8-94 there was no representation for the union. So on 23-8-94, the union was declared ex parte. The management did not adduce any evidence in support of their case in the written statement. This conduct of the parties to this reference would give an indication that they are not interested in proceedings with the present dispute. This circumstance would give an inference that there is no subsisting industrial dispute between the parties to this reference.

3. In the result, an award is passed holding that there is no subsisting industrial dispute between the parties to this reference.

M. V. VISWANATHAN, Presiding Officer

Ernakulam,
25-8-1994.

नई दिल्ली, 28 सितम्बर 1994

का.आ. 2891.—आंशिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार प.एन. जीड. ग्रिल्डेज बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, प्रबंध में निर्दिष्ट आंशिक विवाद में श्री एच.जे. मार्क मध्यम के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 27-9-94 को प्राप्त हुआ था।

[संख्या एल-12011/44/90-आईआर (बी-3)बी-1]
वी.के. शर्मा, डैम्स अधिकारी

New Delhi, the 28th September, 1994

S.O. 2891.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of Shri H. G. Bhave, Arbitrator as shown in the Annexure, in the industrial dispute between the employers in relation to the management of ANZ Grindlays Bank and their workmen, which was received by the Central Government on the 27-9-94.

[No. L-12011/44/90-IR(B-III)/(B.I)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI H. G. BHAVE, JT. CHIEF LABOUR
COMMISSIONER (C)—RETD

AND

ARBITRATOR

NAGPUR

REFERENCE NO. ARBN/1 OF 1992

In the matter of Industrial Dispute between the employers in relation to the management of ANZ Grindlays Bank Plc and their workmen represented by All India Grindlays Bank Employees' Federation and All India Grindlays Bank Employees' Association with regard to upward revision of Pension and on allied matters and enhancing the quantum of Canteen Subsidy.

PARTIES TO THE DISPUTE

The management of ANZ Grindlays Bank Plc

Vs.

1. All India Grindlays Bank Employees' Federation.
AND
2. All India Grindlays Bank Employees' Association.

PRESENT :

Shri H. G. BHAVE, Arbitrator.

APPEARANCES :

For ANZ Grindlays Bank Plc.

1. Shri C. Krishnamurthi
2. Shri N. V. Srinivasan
3. Shri V. D. Mavinkurve.

For All India Grindlays Bank Employees Federation.

1. Shri P. N. Subramanyan
2. Shri Subhash Ganguly
3. Shri L. P. Miranda.

For All India Grindlays Bank Employees Association.

1. Shri Ajit Banerjee
2. Shri Rajinder Sayal
3. Shri Ramanand.

Nagpur, dated 26-9-1994.

INDUSTRY : Banking

AWARD

CHAPTER I

INTRODUCTORY

In compliance with term No. 4 of the Conciliation Settlement dated 20-11-1990 arrived at before the Dy. Chief Labour Commissioner (C), New Delhi between the Management of ANZ Grindlays Bank Plc, and the All India Grindlays Bank Employees Federation and All India Grindlays Bank Employees Association and further in the light of para 3 of the Minutes of Conciliation Proceedings dated 19th and 20th November, 1990 recorded by the Dy. Chief Labour Commissioner (C), New Delhi and signed by the aforesaid Management, Federation and Association, relating to issues concerning Pension and Canteen Subsidy respectively, the authorities of the Grindlays Bank and representatives of the AIGBE Federation and AIGBE Association signed an Arbitration Agreement on 20th February, 1992 under Section 10-A of the Industrial Disputes Act, 1947 read with Rule 7 of the Industrial Disputes (Central) Rules, 1957 agreeing to refer the industrial dispute over two issues for my arbitration under the Act.

2. Accordingly, vide its order No. L-12011/44/90-IR.B.III dated 6th March, 1992, the Central Government released the said agreement for publication in the relevant Gazette of India in pursuance of Sub-Section (3) of Section 10-A of the said Act referring for my arbitration the following issues:

"Whether the demands made by All India Grindlays Bank Employees Federation and All India Grindlays Bank Employees Association with regard to upward revision of Pension and on allied matters

is justified, and if so, to what relief the employees are entitled?"

"Whether the demand made by All India Grindlays Bank Employees Federation and All India Grindlays Bank Employees Association for enhancing the quantum of Canteen Subsidy over the existing amount is justified. If so, to what relief the workmen are entitled?"

3. According to the terms of the written agreement dated 20-2-1992 referring the dispute for arbitration, the award was to be given within a period of four months or within such further time as is extended by mutual agreement between the parties in writing. This time limit was extended from time to time by the parties and it was last extended on 4-8-1994 upto 30th September, 1994.

CHAPTER II

4. Commencement to conclusion of Arbitration hearings.—A copy of the order of the Government of India dated 6-3-1992 sent for publication to the Government of India Press, New Delhi was received by me on 11th March, 1992. Notices were immediately sent to the parties on 17-3-1992 fixing the first hearing at Bombay on 7th April, 1992. The parties were directed to file statement of claim/written statement on the date of first hearing and to hand over a copy of such statement to each one of the opposite parties involved in the reference. Though the representatives of all the three parties attended the hearing, they prayed for time to file their statement of claim/written statement which was allowed. At that meeting, the wishes of those who attended, were obtained in regard to tentative time schedule for further procedural aspects of the case and places where the parties would like the arbitrator to hold future hearings. All the parties were then directed to submit their statement of claim/written statement on or before 30th April, 1992 by post to the arbitrator, giving simultaneously copies to opposite parties. Next date for filing rejoinder was fixed at Calcutta on 20-5-1992.

5. Statement of claim/Written Statement.—The All India Grindlays Bank Employees' Federation (hereinafter referred to as 'the Federation') filed its statement of claim on 29-4-1992 (43 pages with Annexures A to F), whereas the ANZ Grindlays Bank Plc (for brevity here onward referred to as 'the Bank') filed its written statement on 30-4-1992 (74 pages with exhibits 1 to 9). The President of the All India Grindlays Bank Employees' Association (hereinafter referred to as 'the Association') vide his telegram dated 24-4-92 followed by communication dated 25-4-1992 prayed for time till 15th May, 1992 for submission of the written statement. It however, filed it only on 20-5-1992 at the Calcutta hearing (14 pages with three enclosures). Thus, the statements of claim of the Federation and Association and the written statement of the Bank were on record of the arbitrator and copies made available to the opposite parties by 20th May, 1992.

6. Rejoinders.—The Federation filed at Calcutta on 20-5-1992 its rejoinder dated 17-5-1992 (21 pages) in reply to the Bank's written statement dated 30-4-1992. The Bank also filed on 20-5-1992 its rejoinder dated 18-5-1992 in two parts—Part-A (29 pages with two annexures) and Part B. (11 pages with one annexure) to the statement of claim dated 29-4-1992 of the Federation. The Bank also filed through courier its rejoinder dated 28-5-1992 (21 pages with 3 annexures) to the Association's statement of claim dated 20-5-1992. The Association filed its rejoinder dated 9-6-1992 (22 pages) to the Bank's written statement dated 30-4-1992 at New Delhi hearing on 10-6-1992. Thus, the rejoinders of all the three parties came on record by 10-6-92.

7. Parties to the dispute.—The arbitration agreement dated 20-2-1992 reached between the Bank, the Federation and the Association as released by the Government vide its order dated 6-3-1992 provides that the parties to the dispute are the management of ANZ Grindlays Bank Plc and the AIGBE Federation and AIGBE Association only. However, while forwarding the copies of the said order to the arbitrator and employers, in the endorsement, the Government had desired that for the benefit of those who are not parties to the agreement but who are otherwise concerned in the dispute due publicity be given to this order and those desirous of presenting their case be afforded an opportunity. In the

Calcutta hearing on 20-5-1992 the Federation and the Association both drew attention to the aforesaid endorsement and prayed for compliance by the Bank. Directions were accordingly given on 20th May, 92 itself to the Bank to comply with the same and the needful was done on 21-5-92.

7.1 Between 20th May, 1992 and June end '92

- (1) The All India Grindlays Bank Pensioners Association, Bombay;
- (2) Grindlays Pensioners Welfare Association, Amritsar;
- (3) Grindlays Bank Retired Officers Welfare Association, Delhi; and
- (4) Shri M. V. Divakaran, Madras and 17 other retired persons of Grindlays Bank filed petitions (marked by the Arbitrator as Misc. Appn. 1/92, 2/92, 3/92 and 4/92 respectively) praying their being impleaded as a party to Reference No. 1 of 1992. The Bank opposed the contentions of the applicants. The applicants/their authorised representatives were noticed on July 11, 1992 to appear for a hearing in these four Miscellaneous Applications at Bombay on 27th July, 1992 to argue and explain;

- (1) How the applicants are concerned in the dispute;
- (2) How and why they should be joined as a party to the main arbitration case;
- (3) Within the ambit of the Industrial Disputes Act, 1947 how and why they could be given an opportunity of presenting their case before the arbitrator.

7.2 All the applicants/their spokesmen and the Bank representatives attended the hearing and on 28-7-1992 they argued at length their respective stand points. Finally on 10th September, 1992 a 28-pages order was released to the effect that I did not consider its either just or fair to implead the applicants in the four miscellaneous applications as a party to the arbitration reference then pending before me. The order contained detailed reasonings for the same. However, as the applicants were all pensioners of the Bank and first issue referred to arbitration relates to Pension, it was felt desirable to give an opportunity of presenting their case before the arbitrator at the appropriate stage. Accordingly directions were given that two representatives each from Miscellaneous Applications 1 to 4 of 1992 will be allowed to present their case on a date to be notified before the main case is taken up for arguments.

7.3 After the evidences were completed by the three parties in the main reference on 28-10-1993, in keeping with the directions dated 10-9-1992, the representatives of the applicants in Miscellaneous Applications 1 to 4 of 1992 were given full opportunity to present their case at Bombay on 30th October, 1993, and 1st November, 1993 and at New Delhi, 26th and 27th November, 1993. Their respective contentions are given in paras 16.1 to 18.5 of this Award in Chapter-III ahead.

8. Documents.—In the hearing at Calcutta on 20-5-1992 the parties were advised to request the opposite parties for filing any specific documents before 31-5-1992 and the case was posted to 10-6-1992 at New Delhi for filing documents. The Association sent a communication to the employers on 30-5-1992 requesting for six documents/information. Similarly the Federation gave a communication on 30-5-1992 requesting the Bank to produce 21 documents, copy filed in the hearing at New Delhi on 10-6-1992. The Bank assured to respond to these two requests of the Federation and Association for documents/information before the next hearing. In the meantime the Bank sent on 29-5-1992 through Courier their 37 documents and the Association also filed (besides the 3 documents sent earlier) through post further six documents. In compliance with the directions given on 10-6-1992, the Bank submitted on 7-7-1992 their statements in the matter of Federation and Association's requests for documents. In the Bombay hearing held on 27-7-1992 the Association filed one more petition/document and the Federation filed 24 documents. On the Bank's stand on documents prayed for by the Federation/Association and Association's written submission (6 pages) in this regard, the three parties had their say and further hearing held on the

next day viz. 28th July, 1992. The three parties made their verbal submissions whereafter the arbitrator directed the Management of the Bank to file two documents/information on the next date of hearing viz. 12-8-1992. On 28-7-1992 the documents received till that date from the three parties were marked with consent of the parties. The Bank filed later the directed two documents on 12th August, 1992 which were taken on record. Both, the Association and Federation complained the Bank's reply was incomplete and they were not satisfied with the documents filed by the Bank on the arbitrator's directions. As the Bank and the Association and the Federation had their view points to which they rather struck to, the arbitrator advised the workers organisations to submit applications in writing substantiating their stands and specifying the documents/information desired with reasonings for demanding the same.

8.1 The Federation filed on 12-8-1992 further six documents which were taken on record. The Association prayed for time to file further documents and updating a few documents filed earlier.

8.2 The Association sent its petition dated 26-8-1992 regarding demand for production of documents/information. It was marked Miscellaneous Application 5 of 92. Similarly the Federation sent its petition dated 29-8-1992 which was marked as Miscellaneous Application 6 of 92. The Bank was directed to file its replies to the two Miscellaneous Applications.

8.3 In the hearing of 14-9-1992, the Federation filed further 8 documents which were taken on record. The Association wanted still further time to file additional documents which was allowed. It could however file further 12 documents only on 22-2-1993 at New Delhi hearing. Further, 2 documents by the Association and 1 document by the Federation were filed at the evidence stage on 23-9-1993 and 24-9-1993 respectively.

8.4 After the Bank's replies to the miscellaneous applications 5/92 and 6/92 on production of documents were received by the Arbitrator, these were fixed for arguments at Nagpur on 28-9-1992. None appeared for the applicants, though the Bank's representatives attended. The Federation's written arguments dated 26-9-1992 (8 pages) were received after the hearing. Next hearing was fixed for 17-10-1992 at Nagpur. That day also only the management's representatives attended, the Association through telegram sought for an adjournment. The case was then fixed for 31-10-1992. On that day, the Association attended and filed its written arguments in application No. 5/92 besides giving oral arguments at length. The Bank also argued their case. Thereafter, order (34 pages) on the two miscellaneous applications was given on 21st December, 1992 and released the next day. The opponent Bank was directed to furnish information/file documents relating to six items mentioned in the order within fifteen days of the order with copies to the Association (5/92) and Federation (6/92).

8.5 In compliance with the arbitrator's order dated 21-12-92, the Bank submitted on 5-1-1993 information in 3 sheets (total number of Award staff pensioners/total amount of pension paid monthly/total number of widow pensioners who have become widows after 1-1-1990/amount of widow pension paid to such widows all during the years 1990, 1991 and 1992/total numbers of award staff on 1-1-1990 and 1-1-1992) and Five documents, with copies to the applicants. These documents and others received in February, 1993 were marked with consent of parties in the hearing at Bombay on 29th March, 1993.

8.6 Thus, the three parties filed a large number of documents in support of their respective cases and the Bank also filed seven documents in compliance with the two directions dated 28-7-1992 and 21-12-1992. The list of documents filed/produced/marked during and relating to main arbitration proceedings is given in Appendix 'A' I, II and III

9. Evidence.—In the entire arbitration proceedings in this case, the longest time involved was in evidence. In the very third hearing held on 10-6-1992 at New Delhi, the parties were asked to file list of witnesses on the next date viz. 27-7-1992. It was made clear by the arbitrator that the oral evidence shall be recorded by the arbitrator or the parties will be at liberty for giving evidence on affidavit but in the latter case, the same should be filed sufficiently well in advance

so that the opposite party shall utilise its right to cross-examine each of the deponents filing the affidavit, without much loss of time. The lists accordingly filed/sent by the parties had been as follows:

Association 26-8-1992 Proposing 12 witnesses.

Federation 29-8-1992 Proposing 5 witnesses.

Bank 14-9-1992 Proposing 6 witnesses.

After the arbitrator's directions on miscellaneous applications 5/92 and 6/92 on production of documents by the Bank were given on 21-12-1992, the case was ready for evidence.

9.1 Accordingly, parties were noticed on 4th January, 1993 that the evidence of the witness(es) of the Federation will commence at Bombay on 15-1-1993. Due to the then situation prevailing in Bombay, the hearing was adjourned to 29-1-1993. On that date, the evidence of Shri P. N. Subramanyan of the Federation, F.W.1 by way of affidavits dated 12-9-1992 and 28-1-1993 were taken on record. His cross-examination was done by Bank's representative Shri N. V. Srinivasan on 30-1-1993. The Association did not wish to cross-examine him. The process of evidence which thus commenced on 29th January, 1993 saw many turns and twists—(1) Shri Subramanyan could not produce his expert for evidence due to his non-availability hence he filed on 17-4-1993 his further affidavit dated 12-4-1993 which was objected to by the Bank; after hearing respective contentions of the Federation and the Bank, order was passed on 6-5-1993 rejecting to entertain the said affidavit mainly on the ground that the witness having already deposed and cross-examined once can not offer again for evidence particularly as in the instant case he was present throughout the examination of the witness of the Association on 20th and 22nd February, 1993 at New Delhi and had even cross-examined AW-1 Mr. Rajender Sayal on 22-2-1993. His attempt to file further affidavit dated 12-4-1993 was almost an attempt to improve his earlier evidence and it was not considered as fair and just.

(2) Another witness of the Federation FW-2 was produced at Calcutta on 24-5-1993 who merely filed a statement containing opinion dated 15-1-1993 of Advocate Mr. N. A. Dalvi. The Bank's spokesman vehemently objected to the opinion of a lawyer being filed in the proceedings through a witness. The hearing of arguments on this issue revealed that it could not be considered as a document nor an evidence, hence it was not permitted to be taken on record vide order dated 6th September, 1993.

9.2 The Association's witness AW-1 Shri Rajender Sayal filed affidavit dated 20-2-1993 on that day itself at New Delhi. It was taken on record. He was cross-examined by Shri C. Krishnamurthy and Shri N. V. Srinivasan on behalf of the Bank on 22-2-1993. Shri P. N. Subramanyan of the Federation also cross-examined the A W-1. The Association desired further witness to be examined at Bombay later but at Bombay hearing on 17-4-1993 it filed a petition stating that it had no further witness to tender evidence. Similarly the Federation expressed in the Calcutta hearing on 24-5-93 that, it had no further witness. So the decks were clear for the management to produce its witnesses.

9.3 The Bank had sent by post the two affidavits of Mr. Ramesh Venkat (dated 10-6-1993) and Mr. N. V. Srinivasan (dated 14-6-1993) with copies to the Federation and Association. Mr. Ramesh Venkat MW-1 was cross-examined at Calcutta by Federation's Mr. Subramanyan on 24-6-1993 and MW-2 Mr. N. V. Srinivasan was also cross-examined by the federation on 25th and 26th June, 1993. Later MW-1 and MW-2 were cross-examined by Mr. Sayal of the Association on 29-7-1993 at New Delhi. The affidavit dated 21-7-93 of Mr. C. S. Thankv, Manager Industrial Relations, Standard Chartered Bank, MW-3 was sent by the management on 23-7-1993. He was cross-examined by the Federation and Mr. Ajit Banerjee of the Association on 30-7-1993. The affidavit dated 23-6-1993 and the supplementary affidavit dated 9-7-1993 of Mr. B. Chatterjee, Bank's Actuary/Consultant were sent by post. Before the Bank could produce MW-4 for cross-examination on 30th July, 1993 hearing, the Association pointed out that, those two affidavits did not reflect all the parties to the dispute as Association's name does not figure in the title specifying parties to the case. After hearing all the three parties on the point the Arbitrator directed the Bank to get the said, infirmity removed by 11th August, 1993. The name of the Association was accordingly got incorporated

in the cause title of the 8 affidavits through affidavit dated 6-8-1993 duly affirmed before Notary and it was sent to the Arbitrator and the Federation and Association.

9.4 The next hearing was fixed at Calcutta on 23-9-1993 for cross-examination of M.W.4. This time also the Association raised yet another preliminary objection to Mr. B. Chatterjee appearing as a witness 'as an actuary or an expert witness'. The Federation then advanced its arguments. Mr. Srinivasan of the Bank had also expressed his stand on the point in question. The hearing was postponed till the next day when the Arbitrator pronounced his decision allowing Mr. B. Chatterjee to depose on behalf of the Bank and overruled the objection of the Federation/Association.

9.5 The Bank then produced M.W.4 for cross-examination on 24-9-1993. He was cross-examined by Mr. Subramanyan of the Federation. Mr. Ajit Banerjee of the Association cross-examined him on 25th September, 1993 and then on 11-10-1993 at Calcutta and it was continued and concluded by Mr. Sayal at New Delhi on 28-10-1993.

9.6. Thus, the process of evidence which actually commenced on 29th January, 1993 stood completed only on 28th October, 1993. The list of persons who appeared before the Arbitrator to tender evidence and were cross-examined during the main arbitration proceedings with relevant details—names of witnesses, dates of affidavits, place and dates of cross-examination is at APPENDIX 'B'. The case was then ready for arguments.

10. ARGUMENTS.—The Arbitrator issued notices on 23rd December, 1993 fixing arguments by the Association on and from 13-1-1994 at New Delhi. Shri Rajinder Sayal of the Association vide his telegram dated 5-1-1994 requested for an adjournment which was granted. Another notice was issued on 29-1-1994 fixing the arguments as under at Bombay:

10, 11, 12 February, 1994 ... Federation.

14, 15, 16 February, 1994 ... Association.

All the three parties attended the hearing but the spokesman of the Federation informed that it has decided to file written arguments only and no oral arguments will be adduced. It prayed for 10 to 12 days time for doing so. Request was granted and time allowed till 28-2-1994. The Vice President of the Association through his written communication prayed for fixing its arguments at Delhi and preferably in the first week of March, 1994. The hearing was then adjourned to 7th March, 1994 and fixed for Delhi. On that date the Association made submission that it has also since decided to file only written arguments. Time was allowed till 5th April, 1994. The hearing was hence adjourned and fixed at Bombay on 12-4-1994 for the Bank's arguments.

10.1 On 12-4-1994 all the three parties attended. The Bank's spokesman informed that as a copy of the written arguments of the Association had not been received till then by the authorities who process the matter in Bombay hence time for filing their written arguments was prayed for. Further date fixed at Bombay on 14th May, 1994. On 14-5-1994 the Bank filed its written arguments and copies given to Federation and Association. For reply/clarification the hearing was fixed on 17-5-1994. The Association informed that its submissions in reply will be made in writing for which time was allowed till 27-5-1994. The Association accordingly sent it on 26-5-1994.

10.2 The representative of the Federation Mr. Subramanyan commenced his reply on 17-5-1994 and concluded on the next day. Mr. Srinivasan made clarificatory observations on 18th May, 1994. Thus, the hearings in this main arbitration reference which commenced on 7-4-1992 stood concluded on 18th May, 1994.

10.3. The dates and volume of the written arguments made by the three parties are as under:

	Date	Pages	Annexures
Federation	5-3-1994	69+2	Thirteen (Copies of case laws)
Association	5-4-1994	61	One
Bank	14-5-1994	172	Six+(Case Laws 62)

11. During the pendency of the proceedings before this Arbitrator, two complaints U/S 33-A were received and disposed of:

	Complaint dated	Award sent to Govt. on
1. H.K. Thingalayya & 42 others	12-8-92	22-10-92
2. S.G. Shriyan & 2 others	27-10-92	26-12-92

11.1 Further, eight applications U/S 33(2)(b) of the Industrial Disputes Act, 1947 were received out of which after hearings, orders have been released on Six and Two are pending which will be disposed of shortly.

11.2 Similarly Six miscellaneous applications 1/92, 2/92, 3/92, 4/92 regarding impleading as parties to the Arbitration proceedings and Two miscellaneous applications 5/92 and 6/92 regarding production of documents were received by the Arbitrator. After hearing the parties, orders have been released in all the applications.

12. The Arbitrator sat in all for about 63 working days whereabout 27 days were devoted to the hearing of complain's U/S 33-A, Applications U/S 33p(2)(b), aforesaid Miscellaneous Applications and about 36 days in twenty one spells were devoted to the main hearing of this reference for arbitration.

The main reference hearings were held at Bombay (10 spells), Calcutta (5 Spells) and New Delhi (6 Spells).

CHAPTER III

Case of the Parties

13. FEDERATION'S CASE :

A. PENSION ISSUE.

13.1 The All India Grindlays Bank Employees' Federation represents employees of the Grindlays Bank working in its branches throughout India. It is in majority in the Bank's branches at Bombay, Calcutta, Madras and Kanpur and according to it all employees in Bank's branches at Cochin, Tuticorin, Bangalore and Hyderabad are its members while it has a minority unit at Delhi branches of the Bank.

13.2 The Grindlays Bank is the oldest and largest among the Foreign Banks operating in the Country. The Federation observes that on the basis of income, leaving State Bank of India the Bank is one among the top five banks in the Country including the giant Public Sector Banks.

13.3 In the statement of claim submitted by the Federation on 29th April, 1992 the Federation narrated in brief the history of Pension as third retirement benefit in Banking Industry. The British Banks like Grindlays Bank, Chartered Bank, Mercantile Bank enjoyed monopoly of banking business till 1920, whereafter Indian indigenous banks were slowly established. However, till the year, 1950, Indian Banks were prevented by law from doing any Foreign Exchange business and therefore that business as well as the Country's foreign trade were the monopoly business of the Foreign Banks which were commonly known as Exchange Banks. The Exchange Banks including the Grindlays Bank early in the 19th Century introduced Provident Fund at the rate of 5 per cent of the Pay with equal contribution by the employer as also payment of Gratuity at the time of retirement from the services of the Bank. The Foreign Banks also introduced payment of Pension as retirement benefit sometime in the year, 1921. The Sastry Award (1953) in para 407 enlists the Banks which had pension scheme at that time, these were:

1. Allahabad Bank Ltd.
2. Chartered Bank of India.
3. Grindlays Bank Ltd.
4. Hyderabad State Bank.
5. Imperial Bank of India.
6. Lloyds Bank Ltd.
7. Mercantile Bank of India Ltd.

8. National Bank of India Ltd.

9. Netherland Trading Society.

13.4 The former constituents of the present Grindlays Bank i.e. National Bank of India Ltd., Llyods Bank Ltd. and Grindlays Bank Ltd. even as separate entities had Pension Schemes in Vogue since the year 1921. The Pension Fund was maintained in their respective Head Offices at London and to that Centralised Fund, the Indian branches of the Bank made regular contribution out of its India profits. Commencing from the year, 1970 the Bank stopped making contribution to that Fund of the Head Office. The Bank paid pension to the retirees out of the Pension Fund maintained in its Head Office at London till end of the year, 1969. The payment covered only the basic pension and when dearness allowance came to be paid on the basic pension since the year, 1941 that liability was also borne by the Pension Fund. However, effective from January, 1965 the liability to bear the cost of Dearness Allowance was imposed on the Indian branches and similar liability followed with regard to the pension payment effective from January, 1970. From that date the Bank started paying pension also directly to the debit of Indian branches profits, despite the exception taken by the Federation as the Pension Fund maintained in the Bank's Head Office was built up mainly out of the profits earned in the Indian branches. The Federation wanted that large portion of the Pension Fund maintained in London should be transferred to India to establish the Pension Fund. This was however, not conceded.

13.5 The Federation highlighted the Rules governing Pension in the Grindlays Bank till the establishment of the Fund in India, on the basis of the Rules of Pension Scheme so filed by the Bank before the Sastry Tribunal and the Desai Tribunal. It threw light on the recommendations of Sastry Tribunal on Pension issue which were ignored by the Bank and later on the Bank quickly and unilaterally acted upon the recommendations of the Desai Award w.e.f. January, 1962. Pension was paid to retirees together with the cost of living allowance and special allowance during the period 1962 to 1965. From January, 1965 C.L.A. has been debited directly to the Indian profits and a similar action followed with regard to Pension payment effective January 1970. After series of discussions with the Federation, the Bank's Pension Rules were altered (Bank's letter dated 4th October, 1967) with retrospective effect from 1st January, 1966. These Rules were again modified vide settlement dated 16th September, 1970 between the Bank and the Federation. The ceiling in respect of basic pension was enhanced from Rs. 4800 to Rs. 6000 per annum. The Federation then submits details of Payment of D.A. on Pension, periodical increases in special Allowance, Cost of living Allowance. The Federation listed various revisions in Pension of the pensioners effective from July, 1948, January 1949, April, 1963, November, 1970. The Bank refused to grant any further relief despite the increase in the cost of living even though the Federation had raised the issue before the Bank in the year, 1973.

13.6 The 'Indian Staff Pension Scheme' was started in India by the Bank, establishing a Trust approved by the Commissioner of Income-tax, West Bengal III on 27th September, 1976 with retrospective effect from 28th December, 1974. Since then Pension payment to the employees retired from Bank's services from 28th December, 1974 is paid out of the Pension Fund managed by the Bank itself with the approval of Life Insurance Corporation of India. This Trust Fund happened to be the first to be established among the foreign Banks operating in India. The Federation was critical of the said Pension Fund in Grindlays Bank which covers all categories of employees. The Rules of the Fund are discriminatory against the workmen i.e. Clerks and Subordinate Staff. One such grave discrimination is with regard to the Rules for calculation of Pension. Another relates to ceiling on pension. For other than award staff, there is no ceiling at all for pension.

13.7 After the establishment of the Pension Fund and almost after 16 years after the revision in pension, it was only through a conciliation settlement dated 5th March, 1986 that pension ceilings were increased for retirees from 1st September, 1978 to 4th March, 1986 and ceilings from the date of the settlement were fixed for clerical staff at Rs. 1600 p.m. and for the subordinate staff at Rs. 800 per month.

13.8 The said conciliation settlement also introduced WIDOW Pension and the widow pension in the case of clerical staff was increased to Rs. 450 p.m. and Rs. 180 p.m. in the case of sub-staff with effect from 5th March, 1986. By the said conciliation settlement for the first time separate ceiling on pension came to be imposed on the sub-ordinate staff. Further, monthly pensionable salary was to be determined on the basis of average basic pay and D.A. drawn for the period of 12 months preceding the date of retirement.

13.9 The Federation further highlights the salient features of the subsequent conciliation settlement reached on 20th November, 1990 before the Deputy Chief Labour Commissioner (Central), New Delhi. This settlement was in the nature of an 'Interim Settlement' with regard to the demand of the employees for increased pension and other benefits.

13.10 The Federation then mentions in brief about the pension in other foreign Banks with emphasis on the Hong-Kong Bank and the Chartered Bank and the periodical revisions in these Banks granting increases in pension. This resulted in workmen in those Banks receiving more pension than what was paid in the Grindlays Bank.

13.11 In its prayer clause of the statement of claim, the Federation has prayed to the Arbitrator to pass orders in relation to the demands of the employees in the matter of pension and matters incidental thereto mentioned in paras 57 and 58 of the statement of claim. I now reproduce the demands of the workmen as enlisted by the Federation :

- (1) The definition of 'Pensionable Salary' should mean and include Basic Pay, Special Allowance, Dearness Allowance, Allowance for educational qualifications, officiating allowance, payable in the preceding month of retirement.
- (2) There should not be any ceiling on pension for the workmen on line with the non-Award staff/supervisory staff. There should be only one outer ceiling for all the employees of the Bank.
- (3) Dearness Allowance be paid for increase of 10 points in the All India Working Class C.P.I. at 50 per cent of the rates of D.A. payable to workmen from time to time. This benefit to be extended to all the existing and would be pensioners.
- (4) As and when the management grants ad hoc increase in the pension, the same should be granted and paid to all the pensioners without any discrimination. The discrimination meted out to the workmen pensioners since 5th March, 1986 be removed.
- (5) The following new schemes of payment of pension be introduced at Bank's cost, in addition to the existing schemes of payment of pension for life with five years certainty.
 - (a) For life and 10 years certainty.
 - (b) For life and 15 years certainty.
 - (c) For life and 20 years certainty.
 - (d) For life with the benefit of return of purchase price applied for purchase of pension to the nominee(s) on the death of annuitant.
- (6) The payment of widow pension be increased to Rs. 700 per month in the case of workmen. The benefit of widow pension be available to the widow in the case of policies for life with period of guarantee, immediately, after the payment of guaranteed pension comes to an end.
- (7) Employees retired prior to 1st September, 1978 who are the existing pensioners, in their cases the monthly pension be increased to Rs. 1200 in the case of clerical pensioners and Rs. 800 in the case of sub-ordinate staff.
- (8) The benefits demanded under (1) to (7) above be given effect from 1st July, 1987.
- (9) All pensioners be paid Rs. 1200 for each calendar year as medical Aid in reimbursement of medical expenses incurred by them w.e.f. 1st January, 1989.

(10) Leave Travel Concessions amounting to Rs. 1500 once in two calendar years be paid to all the pensioners with effect from 1st January, 1989.

(11) The pension under the Bank's voluntary widow scheme be increased to Rs. 500 p.m.

Besides the duly numbered eleven demands, the Federation also demanded that in case of death of employees while in service, the spouse be paid pension equivalent to what the employee would have drawn as pension in the event of his retirement from service already conceded by the Bank, be incorporated in the Rules. The other demand relates to payment of gratuity at the date of one month's pay for every completed year of service with a maximum of 24 months pay.

13.12 In issues 'incidental to the demands' the Federation mentions about Gratuity, common formula and rates for determining pensionable salary and relief/increases in pension to old retirees.

B. QUANTUM OF CANTEEN SUBSIDY

13.13 The Federation explains that the demand for Canteen Subsidy is restricted to such of the branches of the Bank where such Canteens are run by the Unions. According to it, the present subsidy is to meet the expenses of the concern employees to cover up wage bills, medical expenses, leave salary and bonus while this is so there is a ceiling in the subsidy for workman per month. It remained constant at Rs. 6 from 1967 to 1983 when it was increased by the National Industrial Tribunal in its Award in reference N.I.B. 2 of 1980 published on 30th November, 1983. It increased the canteen subsidy to Rs. 12 from 1st April, 1988 and to Rs. 16 from the year, 1981. It was further increased to Rs. 30 from 1st April, 1987 as a result of conciliation settlement dated 16th September, 1987 reached before the Dy. Chief Labour Commissioner (Central), New Delhi. This settlement expired on 31st December, 1989. Thereafter, the Federation took up the matter with the Bank demanding further increases in canteen subsidy for the years commencing January, 1990, January, 1991 and January, 1992. However, the demand could not be settled for various reasons. Canteen employees in different banks organised themselves and established their own Trade Union on Bank-wise basis in West Bengal. The Calcutta unit raised an I.D. demanding absorption of all Canteen employees as permanent employees of the Bank. The Central Government referred the dispute for adjudication to the C.G.I.T. Calcutta. That reference is still pending finalisation. In July, 1989, the All Banks Canteen Employees Union, Calcutta submitted a memorandum to the Hon'ble Prime Minister, the same was sent to the Regional Labour Commissioner(C), Calcutta for hammering out an agreement between the three foreign banks management including the Grindlays Bank, the employees Unions in these three banks and the All Banks Canteen Employees Union, Calcutta. An Agreement was reached on 16th November, 1990 providing for ad hoc increase in wages, medical aid reimbursement upto Rs. 500 for every calendar year, Puja Bonus, supply of uniforms. Funding of these expenses were to be mutually discussed between the Unions and the Bank Managements in the respective banks. After the Federation raised demand for increase in Canteen subsidy there were obvious changes and developments.

13.14 The Federation submitted that in view of various changes in the circumstances, the canteen subsidy has now acquired wider connotation. What is important is the cost of subsidising the food stuffs prepared in the Canteen for supply to the Award staff. The bank management should also accept full responsibility to bear all the liabilities with regard to payment of wages etc. to the Canteen employees at Calcutta. The same service conditions should be available to the canteen employers employed in the Canteen run by the Union and/or the employees themselves in the other centres. With regard to the subsidising of foodstuffs, considering the per capita sale in the canteens at Bombay, Delhi and Calcutta and the cost of foodstuffs, Rs. 80 (eighty) per employee per month to be fixed as the subsidy amount.

13.15 I now reproduce the demand of the Federation from the prayer clause of their Statement of Claim :

“...Arbitrator be pleased to approve the demand of the Federation and direct the payment thereof with retrospective effect from 1st January, 1990 restricting the subsidy only for subsidising the food stuffs and passing the orders calling upon the Bank to bear full liabilities with regard to the cost of wages and other service conditions of the Canteen employees”.

14. ASSOCIATION'S CASE :

A. PENSION ISSUE :

14.1 The All India Grindlays Bank Employees Association represents employees of Grindlays Bank working in different branches within India. It is a part of All India Bank Employees Association which is the largest and the most representative organisation of the bank employees in the Country and is recognised by the Indian Bank's Association and the Government of India.

14.2 The Association then detailed the history of the Bank till it became a part of business group of the Australia and New Zealand Bank Ltd. with its central office at Melbourne and assumed the current name ANZ Grindlays Bank Plc. The Bank is having a rapid growth and increasing profitability at much higher rate than its comparable foreign counterparts operating in India.

14.3 The Association has been pursuing the demand for appropriate increase in the quantum and for appropriate rules governing the payment of Pension to the employees of the Bank right from its inception in 1983. Earlier the matter was pursued through the Federation. Referring to the statement made by the Federation in its Statement of Claim dated 29th April, 1992 filed in this arbitration case, detailing the chronological events till the Federation was under the banner of AIBEA, the Association observed that as it gives the factual position it required no repetition. With an effort to promote a mutual settlement of the issues, the matter was taken up first with the Bank management and later with the Chief Labour Commissioner (Central) but except for some ad-hoc increases granted in 1986, no reasonable change in the quantum or in the rules governing the payment of pension was achieved. Hence the issues were once again taken up with the Dy. Chief Labour Commissioner (C) when an 'interim' settlement was reached in November, 1990. It again granted some ad-hoc increase in the quantum of pension and only at the persuasion of the Association and the Federation, the bank agreed to settle the issue through arbitration and ultimately parties drew up an arbitration agreement on 20th February, 1992 referring the instant dispute to the present arbitration. The dispute which was taken up in conciliation and continued for long centered round the issues relating to :

- (a) Upward revision of pension, its mode of calculation and allied matters that are inter-linked.
- (b) Comparison against subsequent rise in prices to the retirees drawing pension.
- (c) Other allied benefits to be extended to the retired employees.

The matter relating to enhancing the quantum of canteen subsidy was also one issue being pursued by the Association which was referred to arbitration.

14.4 The Association highlighted the basic infirmities in the Bank's Pension Scheme. Because of the ceiling on the quantum of pension even under the interim settlement Rs. 2,500/- for clerical staff and Rs. 1400/- for sub-staff, the formula for calculation of pension as per, para 10(b) in Part-VI under the head 'Benefits' of the Rules under the Indian Staff Pension Scheme has become meaningless. If the ceiling is removed, the employees would have been entitled to a much higher quantum of pension. There is no compensation provision in the Scheme to keep pace with the galloping inflation and consequent unabated price rise. The Pension remains stagnant and its value is continuously eroded. The Pension Fund for the Award Staff of the Bank presently is managed by a Board of Trustees and governed under Trust Rules. The Board consists of the Management personnel only. Award Staff has no representative in the Board. The Trust Rules were framed

without taking any Award Staff into confidence. They cannot voice their grievances/demands arising out of the provisions of the existing Trust Rules nor can they effect any changes to suit the needs of the beneficiaries.

14.5 Though at early stages the Pension Fund was created in U.K. out of the Bank's Indian profits prior to 1973, while creating the Pension Fund in India in 1975, the Association feels, no fund was transferred to Indian Pension Fund from U.K. This was a case of sheer injustice to the Indian Staff of the Bank. From 1970 onwards to 1974 commencing from the 1st January, 1970 the Bank started paying pension to the retirees by directly charging the payments to the debit of Indian Profit and Loss Accounts. This was protested by the then Federation which demanded repatriation of the accumulated pension Fund, maintained in U.K. but the Bank refused to respond.

14.6 The Association quoted the rules for payment of Pension that were in force from 1950 to 1967 prior to the establishment of Pension Fund in India, when as per Rule 10 of the rules, it was not to exceed the annual sum of Rs. 4,800/- (Rupees Four Thousand Eight Hundred). Now the Bank ignored the recommendations made by the Sastri Tribunal to the Banks paying pension and now it unilaterally acted upon the recommendations of the Desai Award relating to calculation of pension effective January, 1962, was also detailed by the Association. Subsequent changes were effected from 1st January, 1966 in the light of the Settlement reached between the Management and the Federation on 4-10-1967. Later on Pension rules were again modified by a settlement dated 16-9-1970 when the ceiling was enhanced to Rs. 6,000/- (Six thousand) per annum.

14.7 It was highlighted by the Association how payment of D.A. on Pension came into existence after the 2nd World War and extended to all working employees of the then Banks employees in India and other employees of branches of the Banks operating in other Asian Countries. From 1948 the quantum of pension to all pensioners was revised from time to time with varying quantum of financial assistance though in a limited form. No doubt the financial relief was provided to the pensioners but due to rising prices and increase in the cost of living the available benefit got eroded.

14.8 Dealing with the question of payment of Gratuity, the Association mentions that it was available to the employees since long but with the Sastri Award provisions, it was left to the discretion of the management. However, in former Grindlays all the three benefits viz. Pension-Provident Fund Gratuity were available. In the Banking industry, as per the Bipartite Settlement there has been a different scheme of Gratuity payment and the amount of gratuity to be paid to an employee is higher than the one provided in the settlement and under the Act. In the Grindlays Bank while maintaining three retiral benefits, quantum of pension was reduced to set-off the payment of Gratuity amount as per the Act. This was vehemently opposed by the then Federation but the Bank did not relent. After prolonged persuasion the Bank agreed to pay Gratuity in addition to pension following which a Settlement was reached by the Bank with the Association and similarly with the Federation. The Association however holds the view that in the light of relevant provisions of the Gratuity Act, the workmen of the Bank are entitled to "Gratuity of 24 months Basic Pay". In the comparable Foreign Banks viz. Hongkong and Standard Chartered Bank they pay to their workmen higher amount of Gratuity than that payable under the Gratuity Act.

14.9 Though there exists only one Pension Fund in Grindlays Bank, in regard to certain Rules there is obvious discrimination between the Award Staff and Non-Award Staff and officers. While workmen's pension is 1/60 of the pensionable salary for others it is 1/54 of the pensionable salary. For Award Staff there is a ceiling, for others pension is not subject to a ceiling. This injustice to award staff needs to be set right.

14.10 In para 30 of its Statement of Claim dated 20th May, 1992 (which is the last paragraph on Pension issue), the Association has enlisted its demands relating to upward revision of pension and on allied matters. These are 15 in number. The Federation has put in 11 numbered + 2 other

unnumbered demands that is total thirteen demands. The Association's two extra demands are :—

"(12) The commuted amount of pension be restored to the Pensioners or his legal heirs after completion of 10 years from the date of retirement.

(15) The scheme already in existence for payment of special Gratuity for 60 months Basic and D.A. to the widow or legal heirs of the employee who dies in service of the Bank be incorporated in the Rules".

Other minor changes made by the Association are (i) in respect of removal of present restriction of 40 years in the matter of reckoning the length of service for calculation of pension and instead considering the actual length of service (Association's para 30.2(b) refers), (ii) The payment of widow pension to be increased to "one third of the pension per month in the case of workmen" (item (6) of para 30 of Association's statement of claim). Regarding justification of these demands, the statement of claim merely mentioned that these would be given during the hearing.

B. QUANTUM OF CANTEEN SUBSIDY

14.11 The Association stressed that the provision of proper canteen facilities is one of the basic amenities to be provided by the employer at the work place. As many employees cannot afford to take lunch in outside Hotels/restaurants which are costly and time consuming, they take their mid-day lunch at work premises. Presently only in two regions of the Bank viz. Eastern and Northern, canteens exist where the Bank gives some subsidy. These canteens are managed with the initiative of the employees through the Canteen Committees appointed by the Employees Unions. In other centres, the Bank at its cost provides only two cups of tea/coffee on weekdays and one cup on Saturdays. The employees at these centres also have a long felt necessity for canteens providing food/snacks at subsidised costs. The subsidy provided by the Bank is very insufficient in the face of the galloping rise in prices. Most of the amount of present subsidy is spent for payment of wages etc. to the canteen staff. The quantum of canteen subsidy is hence required to be raised sufficiently.

14.12 In the prayer clause (Para 34 of Statement of claim) the Association has demanded :—

- (a) setting up of canteens at branches where there is no canteen to provide food/snacks/tea/coffee ;
- (b) To provide food stuffs etc. at subsidised prices, the subsidy should be enhanced to Rs. 100 per month per employee ; and
- (c) Canteen staff be paid adequate monthly wages, medical expenses, Bonus, uniforms, leave etc.

15. EMPLOYER'S CASE :

A. PENSION ISSUE

15.1 The Bank is an outcome of amalgamation of 3 Banks viz. National Bank of India, the Llyods Bank and the Grindlays Bank. The National Bank of India merged with Grindlays Bank in 1958 and with the Llyods Bank in 1961.

15.2 Tracing the facts leading to the present reference to Arbitration, it was highlighted that the terms and conditions of service of workmen staff of the Bank are governed by :

Awards	Sastry Award, March, 1953 Desai Award, June, 1962 N.I.T. Award, November, 1985
Industry-wise Main Bipartite Settlements	First—October, 1966 Second—October, 1970 (Wage Structure) & November, 1973 (Other issues) Third—August, 1979 Fourth—September, 1984 Fifth—April, 1989

Bilateral and/or : Conciliation Settlements between Bank & Federation/ Association	16-09-70 15-09-76 28-12-78 12-07-85 16-01-86 05-03-86 16-09-87 06-04-90 06-10-90 and
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20th November, 1990

15.3 In India the retiral benefits originally was confined to the Provident Fund only. In the late 1940s gratuity was not even considered as a retiral benefit as of right. It was considered to be a gratuitous payment given out of good-will by the employers. In the early 1950s a number of decisions of Labour Appellate Tribunal and the Supreme Court made payment of gratuity compulsory viewing that it is not merely a gift made by the employer in his discretion but is a matter of right for employees. The Courts considered the general proposition of giving gratuity on the basis of the number of years of service rendered to the employer and no specific maximum quantum of gratuity was fixed. During that period the issue was also raised in the banking industry. On 5th January, 1952, the Government of India in the Ministry of Labour constituted an Industrial Tribunal to be called the All India Industrial Tribunal (Bank Disputes) with Shri S. P. Sastry as its Chairman. It was to adjudicate in 34 matters in dispute either connected with or relevant to the dispute between the employers and workmen in relation to some of the specified banking companies. One of the issues related to "Gratuity including whether it should be compulsory or ex-gratia". Thus, till then gratuity was not a compulsory retirement benefit.

15.4 The Sastry Tribunal prescribed for Banks in Group 'A' gratuity amounting to one month's pay for each completed year of service subject to a maximum of 15 months' pay. It also opined that substantially long service should be specially recognised and the Tribunal directed that where a workman has put in service of over 30 years he should be paid an extra amount at the rate of an additional half a month's pay for each completed year of service beyond 30 years. To that extent the maximum provided in his case will be increased. This was only the minimum and in proper cases, the Bank was at liberty to grant gratuity in excess of the scale set out, in its discretion. Thus, the payment of gratuity became compulsory in the Banking industry.

15.5 One of the other terms of reference to the Sastry Tribunal was :—

"Pension, including the question whether any pension scheme should be introduced in banks having Provident Fund and/or gratuity schemes".

The Tribunal recognised the fact that in some banks, pension schemes were in existence. In 1952-53 Pension Schemes were existing among others in the Grindlays/Lloyds and National Bank of India Ltd. The Sastry Tribunal had agreed that the pension schemes in these banks are really more advantageous to the employees than the gratuity awarded by it. The Tribunal was sure that the exchange and other banks would continue their the then present policy of giving retiring benefits on the scale then in force and would not reduce such benefits merely because the Award provides for a lesser amount on the basis of the gratuity scheme. The object of making the gratuity scheme is only to ensure that so much at least of a retiring benefit either by way of gratuity or by way of participation in a pension should be available to the workmen as a minimum. The Tribunal made it clear that a person who is awarded a pension and elects to get it cannot claim the benefit of the payment by way of gratuity so far as these banks are concerned.

15.6 In 1961-62 all other service conditions for the workmen staff were as per the provisions of the Sastry Award as modified. In the matter of pension in the Bank, it was Rs. 240 p.m. as per Bank's Pension Rules and the maximum basic pay for the clerical staff was Rs. 280.

15.7 These provisions of the Sastry Award were re-affirmed by the Desai Award. In para 8.40 the Desai Award directed that so far as Exchange Banks are concerned, an employee will have the right to opt for the bank's pension or retiring allowance or the gratuity prescribed by it at the time of cessation of his employment with the Bank. This position has not been changed by the subsequent industry-level bipartite settlements. The Bank and workmen had all along acted in accordance with the provisions of the Sastry Award as modified. The workmen were accordingly exercising the option between gratuity and pension even immediately after the 1st Bipartite Settlement.

15.8 The 1st Bipartite Settlement dated 19-10-1966 reiterated that the provisions of Desai Award on Pension shall apply except that in partial modification of para 8.63 of the Award, for the purposes of calculating pension, basic pay shall be taken into account to the extent of 100% subject to the letters of the respective Banks concerned which had been confirmed by the representatives of their workmen. The said Bipartite Settlement contains the proviso to term number 12.3 of Chapter XII according to which that clause shall apply to pension/retiring allowance in the National and Grundlays Bank Ltd. only after the Bank and the Federation of its employees' Unions exchange letters recording agreement on this subject. Pursuant to the discussions the Bank wrote to the Federation on 4-10-1967 fixing the monthly pension of Rs. 400 p.m. Further, in terms of Bank's letter dated 23-10-1967 to the Federation the bank agreed that the workman who resign or die or are compelled to leave Bank's service on health grounds will be granted gratuity at the rate of one month's basic pay for each completed year of service subject to a maximum of 24 month's basic pay. The maximum basic pay under the 1st Bipartite Settlement of October, 1966 was Rs. 460 p.m.

15.9 Subsequently there were significant improvements in as much as in October, 1967 Dearness Allowance at the rate of 30% subject to minimum of 35 was payable to all categories of staff. As per Settlement dated 16th September, 1970 reached with the Federation, pension payable to an eligible workman was fixed at such annual sum as shall be equal to 1/60th of an employee's annual 'substantive salary' basic pay, special allowance and officiating allowance if any, during the last two years of his service multiplied by the number not exceeding forty, of the years comprised in the period of service. This was subject to a maximum of Rs. 6,000 per annum. The pension attracted a dearness allowance at 30% of the pension amount subject to a maximum of Rs. 150 per month. Under the 2nd Bipartite Settlement the maximum Basic pay was fixed at Rs. 550 per month.

15.10 At no time, not even after the Bank's letter dated 4-10-1967 or the settlement dated 16-9-1970 was any employee paid Gratuity and Pension. At their option they were paid either of the two. The provision of para 408 of the Sastry Award has all along been in force in the Bank.

15.11 There was an important development later on when the Payment of Gratuity Act, 1972 came into force with effect from 16th September, 1972. The Bank views that the workmen lost their option between gratuity and pension and they became entitled only to gratuity under the Act. This position finds support in the judgement of the Calcutta High Court—1981 LIC P 349 at P 352 : Shalimar Paints Ltd. case. The High Court held that "because of the mandatory provisions of Section of the Central Act, Gratuity being compulsorily payable, the employees will only be entitled to gratuity and not pension". The Bank however, though would have been justified, did not discontinue the pension altogether. The Bank continued to give retiring benefits on the scale in force prior to coming into force of the P.G. Act, 1972. The Bank while paying the gratuity under the Act also paid a pension so that the benefits cumulatively would not be less than the pensioners benefits one would have got prior to coming into force the P.G. Act, 1972. Ultimately, the issue was settled in terms of settlement dated 12th July, 1985. Term No. 1 provided that the Bank's workmen who retired on or after 16-9-1972 shall be paid pension in terms of the settlement dated 16th September, 1970 and also gratuity in terms of the P.G. Act, 1972.

15.12 In the meantime, the Bank of its own volition introduced Award Staff Widow's and children's pension plan with

effect from 1st January, 1983. The clause 3 of the same contains many benefits viz.

Death in Service—Clerical Staff.

Death in Service—Sub Staff.

Death after retirement—Clerical Staff.

Death after retirement—Sub Staff.

By the end of July, 1985, the workmen of the Bank started enjoying 3 retiral benefits Provident Fund/Gratuity/Pension. Thus, what started as an alternate retiral benefit became the 3rd benefit for the employees of the Bank.

15.13 The Bank further submits that the N.I.T. gave its Award on certain allowances, mechanisation and bonus on 29th August, 1985. The Award settled the monetary demands of the workmen staff, the only issue of Pension remained to be settled between the parties. Amount of pension was last fixed by September, 1970 settlement. The issue of revising the quantum of pension was taken up by the parties for discussion intermittently between 1979 and 1985. The Bank, during discussions had expressed its inability to increase pensions because of the unfounded liability position of the Pension Fund. Only restoring the deduction from the pension amount by the annuity value of gratuity was discussed and settled vide Settlement dated 12-7-1985. It created an anomalous position at one stage. After the 4th Bipartite Settlement came into force, a member of the Sub-Staff started getting the same pension as the Clerical Staff even though such Sub-Staff got higher gratuity. This matter was taken up for discussion in early 1986. The issue was taken up in conciliation and settled on 5th March, 1986. It was to be in force upto 31-12-1989. Pension from the date of settlement was 1600 p.m. maximum for Clerical Staff and Rs. 800 p.m. in case of Sub-Staff. Maximum pension for the period from 1-9-1978 to 30-6-1983 was fixed at Rs. 1,000 for Clerks. In respect of clerks retires from 1-7-1983 to pre-settlement date those who were receiving the maximum pension of Rs. 650 p.m. and who had put in service of maximum of 40 years and more, the monthly increase of maximum pension was Rs. 950 p.m.

15.14 After the expiry of the 1986 Settlement on 31-12-1989, the Federation and Association submitted their demands on the issue to the Bank. The Bank listed the demands of the Association alongwith the justification in general and also listed the demands of the Federation with its justification on the each demands. The demands raised by both, the Association and the Federation were discussed and ultimately taken up for resolution before the Deputy Chief Labour Commissioner (Central) during various meetings in 1990. The meetings ended with the Interim Settlement dated 20th November, 1990.

15.15 The Canteen Subsidy issue was one of the issue before the N.I.T. Bombay in reference No. NTB II of 1980. It awarded revision @ 12 from 1978 and Rs. 18 from 1981. Subsequently the Canteen Subsidy issue came up for consideration in the year, 1987. This culminated in a settlement on 16-9-1987 according to which subsidy was revised to Rs. 30 per member of staff from 1-4-1987 subject to the condition that a minimum of Rs. 250 per month per branch will be paid. This settlement expired on 31-12-1989 when the parties took up the matter for further discussions. The Association and Federation made certain demand for increasing subsidy for the year, 1990, 1991 and 1992. This matter could not be settled before the Deputy Chief Labour Commissioner (Central).

15.16 Thus, as an agreement could not be reached on the issue of pension and canteen subsidy, the parties agreed to refer both the issues for Voluntary arbitration and signed an Arbitration Agreement on 20th February, 1992.

15.17 According to the Bank-management, it is evident from the demands placed on the Pension issue by the Association and Federation that these could be broadly divided as :—

- (i) the demand for increasing the pension of existing employees ;
- (ii) the demand for revision of pension of retired persons ; and

(iii) the demand for revision of children and widows pension of the employees.

15.18 The Bank draws attention to the text of the conciliation proceedings as recorded by the Conciliation Officer/Deputy Chief Labour Commissioner (C), New Delhi on 20th November, 1990 in the Settlement. It submits that the quantum of pension agreed to in the interim settlement should be considered as Fair and reasonable by the Arbitrator and the demand for increasing the pension payable to the existing staff be rejected. The earlier settlement signed on 5-3-1986 was binding till 31-12-1989. In December, 1989 the All India Working Class Consumer Price Index was 862 points. At the time of filing the Bank's statement as well as that of the Federation in April, 1992 the Index was 1109.25. From this it should be concluded that the increase in the pensions given by the Bank is more than reasonable and more than takes into account the effect of general price-rise. The increase already granted by the Bank is in keeping up with the pension increases given in the recent past. The clerical pension was increased by 60% in the Settlement dated 5-3-1986 and similar increase has been given now also hence the quantum of pension should be considered reasonable.

15.19. While on merit in regard to the pension issue, it is further submitted by the Bank that the Bank has been treated as an 'A' Class Bank under the various awards and settlements. The basis of comparison of the terminal benefits should hence be on the industry-cum-region principle. Most of the banks in the banking industry do not have the pension benefit. Moreover, the only 2 public sector banks which have had pension schemes are the S.B.I. and the Allahabad Bank. In Allahabad Bank, the maximum quantum of pension paid per month is Rs. 1650 to clerks and Rs. 1070 to sub-staff. This satisfies the observation of the Sastry Award that pension in foreign banks should be higher and should generally be on lines with other foreign banks. While detailing the position of maximum quantum of pension, the bank showed that out of 9 foreign banks as many as 7 have less maximum quantum of pension than the Grindlays Bank. In the Grindlays the quantum of pension fixed as at present is more than a reasonable sum.

15.20. The Federation and the Association did not debate on the reasonableness or otherwise of the pension so fixed but only to render the maximum of Rs. 2500 redundant, they have demanded a revision in the pension formula. The Bank has examined the formulae for calculation of pension existing in various countries, and observed that the pension formula in their bank is at a much higher footing and does not warrant any revision. When compared to foreign banks in India, Grindlays formula is comparable with the formula of Hong Kong Bank. Theirs is better than formula obtaining in other banks. Hence there is no justification to change the existing formula on pension.

15.21. The bank submits that 'Pay' for the purpose of calculation of pension included dearness allowance as per settlement of 5-3-1986. It was included as a part of the salary only for the purpose of making contribution to the Pension Fund. Now that the Bank has contributed and made up the entire short fall, there is a need to revert to the old definition of Salary as per earlier pension rules. The general atmosphere in the Country is not to provide for a massive 3rd benefit.

15.22. As per the Bipartite Settlement applicable to the workmen staff, they retire from the services of the Bank on reaching 60 years of age. On reaching that age, the employees need in general are expected to go down as compared with his needs during service life. He need not travel to the office, reducing travel expenses. At age 60, it is unlikely that he will have growing children. Daughters married and Sons settled around that time. His expenditure is limited to his wife and himself. The need for good clothing also comes down. Survey of pension schemes all over the world shows that normally 2/3rd of final salary is paid as retiral benefit. In those countries, the employees at best get only Pension benefit on retirement and it varies from 33% to 66 per cent of the salary of the employee. From this the Bank feels the sum of Rs. 2500 as pension and interests on amounts of P.F. and Gratuity invested, is

considered as reasonable for meeting the employee's needs after the retirement.

15.23 On another demand relating to deeming the 'Pensionable Salary' to mean the components of pay given to employees in the preceding month of retirement, the Bank stresses that prior to 5-3-1986 the average salary was calculated at the average of 24 months pay preceding the date of retirement. The Bank in conciliation settlement of 5th March, 86 changed the average salary from 24 months to 12 months. Citing the definition of 'Pensionable Salary' in other six foreign banks, the Bank's case is that their definition of pensionable salary is far more liberal. There is no justification for any change in the existing definition. The Bank submits further that its fund was not well funded or flushed with funds. It was being built up steadily on actuarial basis to safeguard and secure the pension payable to its employees. Bank had from time to time made large contributions from out of its profits to keep the fund at its required figure due to heavy increases in the Scales of Pay from time to time. The Bank can not pay anything more than what it is paying as pension. There is no justification for higher pension or changing Fund Rules.

15.24 Regarding the other demand that there should be no ceiling in the pension payable to the workmen staff on lines with the service conditions of the non-award staff and Management staff, alternatively there should be only one outer limit of ceiling for all employees, quoting the existing Rules of the Fund. Bank submits that pension is calculated for non-award staff and the Management staff on the basis of the Basic salary whereas for Award staff it is calculated on average basic salary and D.A. In any case, ceiling on quantum of pension for the workmen staff fixed by the Bank is far more liberal. As far as the Federation's alternative demand is concerned, Bank views that really speaking there is a ceiling on pension for the management and on-award staff because the maximum pension payable is limited to 2/3 of the basic pay.

15.25 Employees' Unions demand payment of Dearness Allowance for every increase of 10 points in the All India Working Class Index at 50 per cent of the rate of D.A. payable to workmen from time to time and this benefit should be extended to all the existing pensioners and would be pensioners. The Bank submits that this demand is totally untenable for there is no instance in the foreign Banks as a group where D.A. exists on pension or is linked with the cost of living index. Apart from this, Bank submits that once a quantum of pension is arrived at under the Rules applicable to workmen staff, the quantum of money necessary to purchase that pension, depending upon the annuity value, is given to the L.I.C. of India. After the purchase of pension, L.I.C. pays the monthly pension through the Bank to the employees. So under the existing scheme of things there is no scope for introducing the Dearness allowance component to the pension. Demand would entail large sum of payments out of the Bank's revenue. If the Funds purpose is to pay pension then Bank making payment from outside the Fund is not Justified.

15.26 On the demand that whenever the Bank decides to grant adhoc increase in pension, the sum should be granted to the pensioners without any discrimination and the discriminatory treatment committed against pensioners since March, 1986 be removed, the Bank submits that what is granted on ad-hoc basis can not be a subject matter of industrial dispute at all. Further pension of person who are not workmen staff of the Bank can not be a subject matter of industrial dispute.

15.27 Another demand of the Federation as well as Association is introduction of suggested new schemes of pension at Bank's cost in addition to the existing scheme of payment of pension for life with 5 years certainty. The Bank's case is having decided the quantum of pension payable under the Rules, whatever be the ultimate scheme an employee elects under the Rules, the alternative so chosen should be within the overall cost of the purchase price of pension. Unions claim in this respect should not be accepted. Further the choice between various alternatives depends upon the schemes framed by Life Insurance Corporation and the continuance of such schemes by the L.I.C. this issue, according to the Bank cannot be formalised either by an agreement or settlement or an award.

15.28 Reacting on the demand relating to increase in widow pension on certain suggestions about it, as put up with a few

variations by the Federation as well as the Association, the Bank submits that this issue cannot be made a subject matter of an industrial dispute so far as the demand deals with the present pensioners. As far as the demand for future retirees, the Bank states that none of the foreign banks have a scheme for payment of widow pension. The unions demand hence deserves no consideration. Besides this Bank's case is that widow pensions are based on well-set actuarial principles and these are followed by the Bank. It referred to the Bank's widow and children's pension scheme.

15.29 The Bank's case on the Federation's demand for increase in pension of retirees prior to 1-9-1978 and the Association's demand for increase in pension to those who retired before 1-9-1978, retirees between 1-9-78 and 31-10-87 by amounts suggested by them, is that as far as pensioners and others who are not the 'workmen' of the Bank, no industrial dispute is maintainable.

15.30 The Association has demanded that the amount of pension committed by an employee should be added back and/or restored to his pension amount after completion of 10 years period for which annuity is purchased. The Bank submits that, the commuted amount is always collected by the employee concerned at the time of his retirement. As far as receiving the capital sum is concerned it is for the employee to make an appropriate choice under the scheme.

15.31 The Federation has demanded that all pensioners be paid Rs. 1700/- for each calendar year, as Medical Aid in reimbursement of medical expenses incurred by them w.e.f. 1st January, 1989. The bank's stand is that the demand is not tenable as no foreign bank or other public sector bank/companies pay the said medical allowance to their retired employees. The medical allowance is governed by the Industry-wise Bipartite Settlement as far as employees are concerned. Individuals cannot make a claim beyond what is available at the industry level as also at other foreign bank level.

15.32 Besides aforesaid contentions on various demands of the Federation and Association, the Bank submitted certain few grounds because of which it sees no justification for granting any increase in pension beyond what has been given in the interim settlement dated 20th November, 1990.

(i) The Bank has Indian Staff Pension Scheme Trust Deed and Trust Rules approved by Income Tax authorities on 27-9-76 with retrospective effect from 28-12-74. The Bank has to fund pension benefit. The payment of pension can only be made through the Trust Funds. This Fund was unable to bear any increase beyond Rs. 2500/- p.m. for clerical staff and Rs. 1400/- p.m. for subordinate staff hence it was not possible to increase the quantum of pension.

(ii) As per well laid down principle of arbitration and adjudication in the matters relating to emoluments, terminal benefits, the adjudication should proceed on the basis of industry-cum-region principle. Keeping the general principles of industry-cum-region in view and the quantum of pension being paid by the Bank

in the light of capacity of fund on an actuarial basis, the pension paid by the Bank is just and rational.

- (iii) Any payments made out of revenue for the pension purpose will not be a tax-allowance expense under the Income Tax Act.
- (iv) The Fourth Schedule of the Industrial Disputes Act, 1947 provides that a notice of change should be given under Section 9-A of the Act if any change is made by the employer in the contribution paid by the employer to a Pension Fund.
- (v) The issues of those who are not 'workmen' staff of the Bank as defined under the Industrial Disputes Act, 1947 can not be raised by the Unions and should not be considered at all. Any payment if required to be made to them will not be tax allowable as they are no longer the workmen of the Bank.
- (vi) The maximum pension paid by the Bank is the third highest amongst 20 foreign banks hence should be considered as reasonable. The Pension to employees as also for the widow and children paid by the Grindlays Bank, taken together are far more beneficial as compared even with the schemes obtaining in Hong Kong and Standard Chartered Bank.
- (vii) The Bank submits that, it is essential to maintain and improve upon its competitive strength. The Bank's over-all costs should not be increased by granting any further relief.
- (viii) To look after people in their old age and to provide for their adequate maintenance is really speaking the obligation of the State which has enacted laws like Employer's Provident Funds and Miscellaneous Provisions Act, Payment of Gratuity Act, etc.
- (ix) The terms and conditions of service of the management staff should not in any manner be compared with those of workmen for obvious reasons viz. the workmen enjoy the protection of number of labour laws in regard to their employment and terms and conditions of service ; they have lesser working hours and lower responsibility. The management staff retire on attaining the age of 58 years while the workmen generally retire at the age of 60 years. Hence the payment of pension to management staff cannot be the basis of comparison.

B—CAANTEEN SUBSIDY ISSUE

15.33 Preceding para 15.15 contains the history in brief of canteen subsidy as given by the Management. It further highlighted :—

- (i) The contents of the minutes of the meeting held on 7-12-1989 by the Regional Labour Commissioner (Central), Calcutta with the representatives of three foreign Banks including the Grindlays Bank and

their unions representative including Grindlays Bank Employees Association and representative of the All Bank Canteen Employees' Union.

- (ii) Memorandum of Settlement dated 16-11-1990 reached before the Regional Labour Commissioner (Central), Calcutta signed interalia by representatives of Grindlays Bank and G.B.E. Association, Calcutta.
- (iii) Minutes of conciliation proceedings dated 20-11-1990 drawn by Dy. Chief Labour Commissioner (C), New Delhi.

15.34(a) On the merits of the demand of the Federation and Association on enhancing the quantum of canteen subsidy, the Bank submits that for the year, 1990, the total expenditure incurred by the Bank at Delhi and Calcutta was Rs. 41.65 p.m. per employee in addition to Rs. 30/- paid as canteen subsidy to the canteen Committee. In fact, from the amount of Rs. 30 paid as canteen subsidy the Canteen Committee was incurring Rs. 18.07 per employee on account of salary paid to its workers engaged by them in canteen at Calcutta leaving a balance of Rs. 11.93 to run the canteen which they have been managing.

- (b) For the year, 1991, the Bank had to incur additionally Rs. 43.45 per employee per month with the marginal increase on account of running cost incurred by the Canteen Committee on account of its employees.
- (c) During 1993 the total cost per employee may be in vicinity of Rs. 46/- per employee per month in addition to Rs. 30/- per employee per month, already paid to the Canteen Committee.
- (d) The Bank feels that even upto 1994 and 1995 the total cost on these items, even if the Canteen Committee wants to revise the wages should not exceed Rs. 80/-. The 16-11-1990 agreement on wages of Canteen employees reached before the Regional Labour Commissioner (Central), Calcutta was to remain in force till 31st December, 1993.

15.35 In view of the above position, the management asserts that the contentions of the Union for payment of canteen subsidy at all its branches in India is untenable. In respect of Calcutta and Delhi for the 1990 and 1991 the total cost involved on account of 16-11-1990 agreement has already been disbursed. As far as 1992 is concerned, the cost works out to Rs. 76/- per person per month. Thus the Bank has already met the demand of the Unions. The management desire the Union to assume responsibility for those persons working in the Canteens at different branches. There is no master-servant relationship between canteen employees and Bank. The assistance and facility by the bank is a measure of goodwill.

15.36 The management while summarising their stand on the Canteen subsidy issue concludes that there is no justification for revision of Canteen Subsidies for the year, 1990, 1991 and the cost for 1992 is less than what has been demanded by the Federation as well as the Association.

2295 GI/94-16.

15.37 I now reproduce the concluding part of the Bank's stand on both the issues of Pension and Canteen Subsidy from the prayer clause of their written statement :

"the reference be answered in favour of the Bank by holding that there is no justification for allowing the various demands raised by both the Unions under the heading Pension and that there is no justification for enhancing the Canteen Subsidy."

CHAPTER-IV

16. Contentions of those given an opportunity to presenting their case before the Arbitrator-other than those who were parties to the Arbitration Agreement dated 20th February, 1992. (Para 7.1 to 7.3 of this Award refers).

16.1 Principles of natural justice which are not inapplicable to an industrial adjudication, require that a party whose interests are likely to be affected by the adjudication/arbitration must be given an opportunity of being heard on the dispute involved. As the erstwhile pensioners are interested in the removal of discrimination in the pension scheme and also in uniform revision of the pension scheme/quantum, on the basis of cost of living, it was thought proper that they be given due opportunity to make out and plead their case in support of the demand which is referred for arbitration. Hence this opportunity was given to applicants in Miscellaneous Applications 1/92 to 4/92 by the arbitrator.

16.2 The Secretary, All India Grindlays Bank Pensioners Association, Shri P. N. Subramanyan, spokesman of Miscellaneous Application No. 1/92 appeared before me at Bombay on 1-11-1993 and expressed that their Pensioners Association adopts and supports all claims and stands of the A.I.G.B.E. Federation. The pensioners have got the mandatory right for presenting their case in writing or orally. They had been working for long years in the Grindlays Bank and are in receipt of pension from the Bank howsoever meagre it may be. Their case for enhancement of the pension is capable of settlement or achieved through adjudication. The relief could be given by Bank only. Pension is a compensation for loyal service rendered in the past. It gives economic security in the fall of life when due to aging process, physical and mental prowess is ebbing' as observed by the apex Court of the Country. The Industrial Disputes Act is primarily meant for regulating the relations of employers and workmen-Past, Present and Future. The employer-employee relationship exists in a way between the pensioner and the employer. Particularly when the issue relates to pension, the pensioner has got every right to have his say and seek appropriate relief from his employer. The Pensioners Association, to substantiate this point, drew Arbitrator's attention to two Supreme Court Cases :—

(i) I.C.I. Case-1993 II LLJ 568.

(ii) D. S. Nakara's case-1983 LAB & I.C. Pg. 1.

Any technical objection of the management is not sustainable in the light of these and other number of decisions of the High Courts and Supreme Court.

16.3 It was stressed that the Bank's pensioners are very much concerned with the :

- (1) Revision of Pension of old pensioners;
- (2) What should be the formula for that;
- (3) What should be safeguard to mitigate falling value of rupee;
- (4) Some provision of medical aid and Travel facilities.

Revision of pension took place in 1970. Thereafter there were two revisions :

(i) 1-9-78 to 30-6-83 retirees

(ii) 1-7-83 to 4-3-86 retirees

Through the conciliation settlement dated 5-3-1986. The tenents were given only, prospectively and not retrospectively. Benefit was denied to those who retired prior to 1st September, 1978. This settlement for the first time liberalised the pension scheme (a) pension now based on 12 months pay drawn preceding retirement (b) for determining pension, the D.A. was also taken into account. This benefit was not made available to those who retired prior to 1-9-78. This is a serious lapse and a grave injustice. The problem is the same as in the Nakara's case.

16.4 The Bank has accepted that they should make revision and have filed documents indicating what revisions have been made and in what manner. As held by the Supreme Court in D.S. Nakara and others Vs. Union of India (1983), all pensioners from a class as a whole and as such have equal right to receive the benefits of liberalised pension scheme and cannot be micro-classified by an arbitrary, unprinciples and unreasonable eligibility criterion for the purpose of grant of revised pension by depriving the benefits to those retiring before a particular date. In this position the pension of retirees prior to 1-9-1978 in all fairness, should have been computed afresh applying the liberalised formula—but this was not done.

16.5 Another point is granting of D.A. or relief to pensioners. This principle applied and upheld in developed countries is now being adopted in developing countries. The Government of India, even with lack of resources is granting relief to pensioners every six month which is linked to cost of living Index. The erosion in the value of pension has been a matter of concern and rightly a large number of pensioners of the Bank urge for protecting the purchasing power of pension through a proper scheme of compensation against price rise. The matter has also assumed importance due to increase in the pensioners, longer life span and impact of inflation on pension. That the real value of pension should be maintained has been upheld in various judicial pronouncements in India, it is being done in the developed countries and even the I.L.O. has recommended developing countries to abide by this principle. The extra payment to retirees could be made either from the Pension Fund or Revenue Account. The claim being justified, the Arbitrator may please award it accordingly.

17. Mr. Harish Jain, the Hon. Secretary-cum-Treasurer, Grindlays Bank Retired Officers Welfare Association had earlier made submissions in brief on 28-7-1992 at Bombay when the Miscellaneous Application No. 3192 was taken up for hearing. When given further opportunity of presenting its case, Mr. Jain again caused appearance on 26-11-1993 at New Delhi. He highlighted in succinct manner the five issues which were of a great concern to the members of the Grindlays Bank Retired Officers Welfare Association, Delhi. In brief these are :

(i) Pension—Ever after the formation of the Association in early 1988, it has been representing for the increase in the monthly pension, keeping in view the impact of the continuing and galloping prices inflation. Whatever meagre increases were given in 1986 (Rs. 150) and 1988 (Rs. 200) had been fully absorbed. Clerical staff and officers still serving get their D.A. is increased. The pensioners however, Dearness Allowance on their pay. As C.L.I. rises find it difficult to maintain themselves with the reasonably desired standard fitting the foreign Bank like Grindlays. Hence quantum of pension be increased and compensation to meet increasing cost of living be paid to all retirees.

(ii) Medical Benefit—Medical needs of old retired pensioners is more than serving young ones. Cost of medicines are rising frequently. Barring a few senior retired officers other retirees including so said incumbents designated as officers who were actually no more than senior clerks, are not getting any medical help from the Bank. Their request for reimbursement of medical bills were turned down in writing. The discrimination on this count between senior retired executives and junior so called officers be removed. . . .

(iii) Holiday Homes—Holiday home facilities be extended to retiree officers after charging usual fees as charged from existing officers.

(iv) Leave Travel Concession—This should be made available to pensioners of the Bank and their families.

(v) Commuted amount of Pension—The Commuted amount of pension be restored to the pensioners after completion of 10 years from the date of retirement. Today no such arrangement exists in the Bank.

18. Grindlays Pensioners Welfare Association, Amritsar and Shri M. V. Divakaran, Madras and 117 other retired person of Grindlays Bank—Miscellaneous Applications in 2 of 1992 and 4 of 1992 respectively had authorised Shri Rajinder Sayal/Shri Ajit Banerjee office bearers of the All Ind's Grindlays Bank Employees' Association to represent them in the hearings before the Arbitrator. In the light of the direct once given in paragraph 24 of the Arbitrators Order dated 10-9-1992 in Miscellaneous Applications 192 to 4/92, Shri Rajinder Sayal, General Secretary, A.I.G.B.E. Association appeared before the Arbitrator on 26th November, 1993 at New Delhi and presented the case of the Grindlays Pensioners welfare Association, Amritsar and Shri Divakaran and 117 other retired persons of Grindlays Bank.

18.1. Shri Sayal, at the outset explained that in the instant case the dispute or difference with regard to matters relating to pension is such which the employer-bank is in a position to give relief or could be directed by the Arbitrator to give relief. There is community of interest between the Association/Federation and the pensioners who are no more in service. Every workman of today is a pensioner or retiree after his date of retirement. Hence it is obvious that present workmen want to ensure that the pensionary benefits of past employees, present employees as well as future employees are suitably revised. The past employees who feel neglected in post retirement period are obliged to the Association/Federation who are espousing their cause and are also grateful to the Arbitrator for affording an opportunity to the retirees of the Bank—ev Award staff/non-Award staff junior officers to hear them for presenting their case.

18.2 Pensions are always felt to be meagre particulars in the present day context of the loss of purchasing power of the rupee and ever increasing cost of living. Drawing support from the Government of India's Fourth Pay Commission report, Shri Sayal emphasised the need for Dearness relief based on cost of Living Index to check erosion in the value of pension. It is indeed a matter of concern and has assumed importance of late to all retirees. Such Dearness relief should provide full neutralisation in price rise to pensioners. The Supreme Court in the case of D. S. Nakara and others Vs. Union of India 1983-LAB 1 C. 1 has laid down certain principles in regard to liberalising pension rules and granted equal rights to all pensioners Past, Present and Future to be governed by a Common pension formula or scheme. This is equally applicable to the private employers as has been held by number of decisions.

18.3 Pension increases are granted to vested pensioners by various companies in India or abroad. Where there is a ceiling on pension, the ceiling is raised from time to time. Shri Sayal submitted that unlike the other comparable Banks, this has not been the case in Grindlays Bank. The 5th March, 1986 settlement was reached after a considerable lapse of time giving increases in pension by different amounts for retirees between 1-9-1978 to 30-6-1983,

1-7-1983 to 4-3-1986 and

5-3-1986 to 31-12-1989

leaving the increases to the pre-first September, 1978 retirees at the discretion of the management which perpetuated invidious distinctions. Consequent to the delay in arriving at settlement on 5-3-1986 the retirees were deprived of the arrears from 1-9-1978 to and 1-7-1983 respectively to the date of settlement. Althois requires remedial measures through this arbitration.

18.4 MEDICAL BENEFITS :—

The monagement staff after retirement and their spouse get hospitalisation facilities in full and some medical facilities. Even in this matter discrimination is perpetuated as large number of junior Officers and one of the employees get this facility. Medical facilities are required more and more as age advances. Provision of such facilities should also be part of pension scheme. The Bank has the capacity hence this human requirement should be accepted and extended by the Grindlays Bank to all retirees.

18.5 LEAVE TRAVEL CONCESSION :—

The retirees desire the Bank to extend the Leave Travel Concession amounting to Rs. 1500/- once in every two calendar years effective from 1-1-1989. The cost of even occasional travel by the pensioners is likely to be higher due to the advancing age and consequential loss of physical strength and their inability to commute by crowded public transport. To reduce the drudgery in the old age, an occasional visit to relatives, attending social and religious family functions are very essential. Retirement from Bank's services should not mean imprisonment of pensioner in his house till death. The retirees have a right to a decent and reasonable standard of living. The Bank should have gracefully agreed to the same but as it has been denied so far, the Arbitrator may direct the Bank suitably.

CHAPTER—V

19. FINDINGS AND AWARD :

19.1 There are only two main issues—Pension and allied matters and Canteen Subsidy which have been referred to me for arbitration but the documents filed by the three parties viz. The Bank, the Federation and the Association are massive and the pleadings of the parties have tended to be prolix. In the course of reference, the three parties have delivered various sets of numerous pleadings by way of Statement of Claim, Written Statements, rejoinder, written arguments which run into several pages. Inevitably resulting in repetition and duplication. I have given my anxious thought and consideration to the submissions of the three parties and others (who were not parties to the reference and were not impleaded in view of the reasoning given by me on 10th September, 1992 in my Order in Miscellaneous Applications No. 1/92 to 4/92) allowed to present their case before me vide para 24 of my said order as they were apparently concerned in the dispute relating to pension.

19.2 Let me first deal with the term of reference relating to pension. The wordings of the reference in the dispute is of utmost importance. The terms of reference can be conveniently set out at this stage :—

"Whether the demands made by the All India Grindlays Bank Employees Federation and All India Grindlays Bank Employees Association with regard to upward revision of Pension and on allied matters is justified, and if so, to what relief the employees are entitled?" (underlining is mine).

The term speaks of justifiability which is more flexible than 'legality'. In the former term there is obviously scope for liberal approach depending upon the circumstances and facts of the case, hence it has a wider connotation and a deeper import. About the words 'allied matters' used in the terms of reference, the Bank and the workers organisations have given their interpretations either too narrow or too wide, naturally to suit their point of view and convenience. In the context, it would be advisable to refer to the two settlements one of 5-3-1986 and the other of 20-11-1990 and then advert to the words 'on allied matters' used in the terms of reference as

wed as the arbitration agreement. The relevant clauses of the 1986 settlement are to be found at Exhibit—WA—7/-Exhibit 3 of Banks written statement and M—24. The 1990 settlement is at exhibit WA—8. In order to understand the contention and controversy on the aforesaid words allied matters', it would be useful to refer chronologically to the events after the 1986 settlement and which preceded it and the interim settlement of 1990 which resulted in making of this reference to me. Section 10 A(4) of Industrial Disputes Act, 1947 enjoins upon the arbitrator to 'Investigate' the dispute and this does require the peep in the past. It is well said that we should review the past to redeem the future. On the Industrial Dispute raised by the Federation it was agreed on 4-2-1980 that the issues relating to pension and other pending disputes will be taken up with the management as they had since agreed to open dialogue. For over five years when the discussions could not be concluded with the management the Federation took up the issue before the Regional Labour Commissioner (Central), Bombay on 10-8-1985. Thereafter Tri-partite and Bi-partite discussions took place. In the meantime the Association had taken up the issue relating to pension with the management in May, 1983 on which several rounds of discussions had taken place but bilaterally the issues could not be resolved. Then the Association raised an Industrial Dispute before the Chief Labour Commissioner (C), New Delhi on 6-12-1985. As the issues raised by the Federation before the Regional Labour Commissioner (C), Bombay were identical that dispute was diverted to New Delhi for being dealt with by the Deputy Chief Labour Commissioner (C), New Delhi. First the Deputy Chief Labour Commissioner(C), handled in February, 1986 both the said disputes as raised by the Federation and the Association. Ultimately final conciliation was held by the Joint Chief Labour Commissioner (C) on 5-3-1986 and the issue was resolved on the terms incorporated in the conciliation settlement but as "a package in relation to payment of pension" to various categories of pensioners covered by the settlement. The terms of this settlement gave pension increase to retirees from 1-9-1978 to 30-6-1983, and retirees from 1-7-1983 to 4-3-1986 and retirees from the date of settlement. Separate ceiling on pension came to be introduced on the subordinate staff. The Pension rules existing then were to be amended providing the ceiling of pension at Rs. 1600 in case of clerical staff and Rs. 800 in case of Sub-staff and other few matters viz. change in pension formula, widow pension-its maximum limit in cases of clerical staff and Sub-staff. This settlement as per term 5(i) thereof was to come in force from 5-3-1986 and was to be binding on the parties for Four Years upto 31-12-1989. The settlement also stipulated that its contents were to be taken up by the parties for discussions in October, 1989 with a view to reviewing the terms therein and arriving at a further settlement before 31-12-1989. Term 5(ii) of the settlement provided that the terms and conditions of the settlement will govern and bind the parties even thereafter until the settlement is terminated by either party by giving the due notice and will continue unless modified or changed subsequently. This part of the settlement is however nothing else but a re-affirmation of what the position in Law is under Section 19 of the Industrial Disputes Act, 1947.

19.3 In deference to term No. 5(i) of the 5-3-1986 settlement, for reviewing and giving suggestions to improve/amend/revise that settlement, while the Association enlisted its demands on 'Scheme/Formula for payment of Pension and Gratuity in writing on 17th April, 1989 the Federation did so on 11th September, 1989 by written communications to the Bank. The Bank took up the matter in bilateral discussions with the Association and the Federation on various dates. They could not arrive at any amicable settlement. They then approached the Deputy Chief Labour Commissioner (C) New Delhi seeking his intervention. He held discussions on various dates and finally admitted the matter in conciliation on 20th November, 1990 when the parties signed an INTERIM settlement. In modification of the 5th March, 1986 settlement, the payment of pension was amended thus :

"For Sub-Stac retirees 1-11-87 to 19-11-90 monthly pension was raised to Rs. 1400 from 1-12-90.

*For clerical staff retirees 1-11-87 to 31-10-88 monthly pension was to be Rs. 2400 and for retirees from 1-11-88 to 19-11-90 to Rs. 2500 both with effect from 1st December, 1990.

From the date of the settlement the ceiling on monthly pension was Rs. 2500 p.m. for clerical workmen and Rs. 1400 p.m. for subordinate staff. These amounts of increases were

to be treated as Interim measure pending receipt of final award of the Arbitrator to whom

'entire matter regarding payment of pension to the employees'

is being referred for arbitration. That day itself i.e. on 20-11-1990 before the Deputy Chief Labour Commissioner (C), the parties agreed to the terms of reference for Arbitration which is reproduced below :

"Whether the demands made by AIGBE Federation and AIGBE Association with regard to upward revision of Pension and on allied matters is justified and if so, to what relief the employees are entitled ?"

The term so agreed on 20-11-1990 as it is has been incorporated in the arbitration agreement dated 20th February, 1992 (with the only difference that in the arbitration agreement the word 'relief' is used while as at above the word is 'reliefs !').

19.4 I have elaborately detailed above the chronology of the events preceding to the making of reference to me for arbitration as the Federation/Association and the Bank hold divergent views on the terms 'allied matters'. Let us see contentions of the parties now. The Federation's contention is that the very term of reference reveals that there are many demands with regard to upward revision of Pension and on allied matters though these demands have not been listed in the reference itself. All the parties to the arbitration are conscious of the issues in dispute. The Federation had taken up these demands with the Bank and have been reproduced in para 57 of its statement of claim. The Bank understood these demands and have made its submission in their written statement and the rejoinder to Federation's statement of claim. It also accepts the position that the various demands raised by both the All India Unions were discussed during various meetings held before the Deputy Chief Labour Commissioner (C), New Delhi in November, 1990. As there was no final settlement except on one demand, the parties agreed to call it an Interim Settlement and seek final solution through arbitration. The apex Court has held in the Delhi Cloth and General Mills Case (1967-1 LLJ at Page 423) that the adjudicating authorities should look into the pleadings of the parties to find out points of differences in the Industrial Dispute for proper adjudication. Hence the arbitrator is required to adjudicate on the involved issues/demands of the Federation.

19.5 The Association submitted that the words 'entire matter' in terms 1 and 4 of settlement dated 20-11-1990 are of critical importance as these under line and emphasise the comprehensive and all pervasive sweep of the reference. As per Iyer's Law Lexicon the word 'entire' means 'complete in all its part, whole'. The Arbitrator can also decide matters incidental to the dispute referred to it (1961-LIC-166 Delhi). The word 'allied' referred to in the terms of reference cannot be shorn of the context and has to be read in conjunction with the word 'entire matter' appearing in the 20-11-1990 settlement. All the demands as raised by Association and referred to in its statement of claim including pension increases to all pensioners, payment of D.A.; revision of the rules of pension, medical aid, travel facilities etc. are to be arbitrated upon in this reference.

19.6 The term 'allied' according to the Bank, should be interpreted in its literal sense. Where the terms of reference are clear, the words and phrases in the terms of reference should be given their normal meaning only. Their meaning should not be stretched. If it is done, it will literally amount to enlarging the reference. The only issue in arbitration is the justifiability of the demands for upward revision of pension and on allied matters. The dispute regarding retirees etc. according to the Bank were settled by 5-3-1986 settlement. Hence no dispute survived on this score. The reference thus, only relates to upward revision of pension and all matters connected with upward revision of pension.

19.7 As I see it, while determining contentious issue like the one 'allied matters' involved here, it is a judicial dictum that ordinarily the meaning given and the one understood by the parties by their daily usage should be the one meaning that should be taken into consideration. It is a well known rule of Courts of Law that words should be taken to be used in their ordinary sense. In the absence of any judicial guidance or authority as to the meaning of allied, dictionaries

can be consulted and the meaning so given there are to be given due weightage. As per OXFORD Advanced Learner's Dictionary the term 'allied' means 'connected/similar'. The reference to arbitration came out of an agreement dated 20-11-1990 and that had at its back the agreement of 5-3-86. These two form background of the present reference using the word 'allied matters'. The 5-3-1986 settlement was the result of the raising of the Industrial Dispute on 4th February, 1980 and what emerged was only "a package in relation to payment of pension" which was to be taken up for discussions in October, 1989 with a view to reviewing its terms showing that it was only a stop gap arrangement for four years. The Association and Federation raised various related issues in April, 1989 and September, 1989 respectively and instead of resolving the involved issues what came, out in 20-11-1990 settlement was merely an 'Interim Settlement' raising the ceilings on pension from 1-11-1987. Hence one can easily understand the feelings of workmen whose almost a decade long struggle did not help them to achieve full results. The parties have agreed in terms (1) and (4) that the entire matter regarding payment of pension be referred for arbitration. While dealing with the reference I can not brush aside the inner connotation in the term 'allied matters'. The adjudicating authorities have to look into the pleadings of the parties to find out points of differences in the industrial dispute referred to them for proper adjudication. Naturally, I shall deal with at length on only the 'allied' i.e. connected matters with upward revision of pension even though pleadings might have been advanced on some other matters unconnected with pension as I have to confine myself to the issues mentioned in the terms of reference. This is thus my finding on the words 'allied matters'.

19.8 Let us turn now to another important word. The first term of reference concludes with the poser "to what relief the employees are entitled ?" (emphasis mine). That means for whom the relief is meant, if at all there is justifiability in the demands ? What is intended in using the word 'employee' ? Does it mean only those who were in employment on the date of arbitration agreement or the date when reference was made to the arbitrator. Whether the term includes retired employees ? So one more contentious term in the otherwise short term of reference 'EMPLOYEES'. Let us analyse and thrash out this term as well.

19.9 The three parties have briefly dealt with on the scope of the term employees in their written statement and statements of claim. They have however, in their written arguments, dwelt with at length about it quoting a large number of case laws.

19.10 The Bank, quoting from Iyer's Law Lexicon has pointed out that the term employee means "any person who was employed for hire or reward to do any work skilled or unskilled, manual or clerical in a scheduled employment". Inferring from it that the definition of employees covers only those who were in the service of the Bank as on the date, the reference was made by the Government to the Arbitrator. According to Bank this is a reasonable assumption to make on the basis of the incontrovertible facts that the issue of pension has been settled with the unions from time to time vide settlements dated 4th October, 1967, 16th September, 1970, 12th July, 1985 and 5th March, 1986. The last settlement settled the issue once again regarding pension upto 31-12-1989. An issue which is settled cannot be a subject matter of industrial dispute. There can not be a claim for revision of pension for them, for wages and allowances there could be demand for improvements in a new settlement and so also for enhanced quantum of pension for the new settlement period. But this is fallacious because wages, allowances etc. are in the nature of reward for serving employees where as benefits like provident fund, pension, gratuity are terminal benefits or social security benefits. Once the social security benefits are paid either in terms of the awards/settlements or statutes, those are binding on the management and workmen and no further demand can lie to improve them. In one of the cases the Supreme Court decided that employee who retired earlier should rest content with lower gratuity. This analogy is applicable to the present case as well. The learned spokesman of the Bank Shri C. Krishnamurthi further deals with the definition of the term 'industrial dispute' under Section 2(K) of the Industrial Disputes Act, 1947 and questions whether the definition can bring the retirees within the ambit of the present reference. The definition contains the words 'of any person'. The definition is wide according to

the unions, they rope in retired employees also within the term 'any person' but according to Bank any person does not mean that it is anybody and everybody in the wide—World. It is now settled beyond any doubt that the person in respect of whom employer/employee relationship never existed and could never possibly exist can never be a subject matter of industrial dispute. It was held that 'any person' means one in whose employment, non-employment, terms of employment or conditions of labour, workmen as a class have a direct interest or substantial interest, if it is so then only it should be regarded as a subject matter of industrial disputes. This test was laid down by the Supreme Court in workmen of Dima Kuchi Tea Estate 1958-I LLJ Page 500. The Bank submits that the various terms used like employment, terms of employment, conditions of labour are understandable for pension has already been paid to past retirees in terms of the settlements applicable to them and hence cannot now be considered as their terms of employment, conditions of labour etc. for the employment itself has come to an end automatically by the operation of their retirement. Question is whether the person who has retired from the service could be said to be in a state of non-employment. The reply is in the negative as the question of non-employment arises only when the employer refuses to give work to a person who is entitled to work. [1975-I LLJ 207 (Mad) per Ismail J.J.] In the instant case of the Bank, a retired employee's services automatically terminates itself at the point of retirement and not due to any action on the part of the employer, hence it can not be termed as falling within the term 'employment or non-employment'. A retired employee can be classified and considered 'unemployable'. Any judgement is only applicable to the facts and circumstances of the case and the judgement cannot be quoted out of context. In the I.C.I. Case which has been often quoted by the Federation and the Association (1993 II LLJ P. 569 BB HC) the second part of that reference by the government related to the Scheme in the way in which it is being implemented on the different categories of pensioners. The reference covered 'pensioners' in that case. In the Bank's case, the reference does not cover the existing pensioners. This receives support from the Calcutta H.C. Judgement in the case of Bilash Chandra Mitra Vs. Balmer Lawrie and Co. Ltd. (1953 I LLJ P. 337) in which it was held that a retired person is not a workman. Drawing attention to Section 18(3) of the Industrial Disputes Act, 1947 dealing with persons on whom the awards are binding, it was highlighted that it was binding on (a) all parties to the industrial dispute, (b) all other parties summoned to appear in the proceedings as parties to the dispute, (c) all persons who were employed in the establishment to which the dispute relates on the date of the dispute as well as persons who subsequently become employees in the establishment. They alone are bound by the Award of the Arbitrator. The employees can not include retirees who have been paid pension as per earlier settlements. That would only enlarge the scope of the dispute. In conclusion, Shri Krishnamurthi maintained that an employee who has retired from the service can no longer be treated as a workman for the purpose of Industrial Disputes Act.

19.11 The Federation as well as the Association have advanced arguments on this point more or less on the common lines taking support of mostly the same case laws/judicial pronouncements to substantiate their contentions that in respect of a person whose contract of employment has ceased, in the context of demands of the pensioners, such person falls within the definition of 'workmen', quoting in support, the judgement of Bombay High Court in the case of I.C.I. India Ltd. reported in 1993 II LLJ 568. Further the Federation/Association's contention that they can raise a valid industrial dispute with regard to issues/demands concerning pensioners and would be pensioners receives support from the Law laid down by the Supreme Court in the case of Dimakuchi Tea Estate reported in 1958 I LLJ 500. The Pattern of Settlement having effected consistent changes in the payment of pension to vested pensioners and contingent pensioners, the Bank management could not raise objections, in fact they are estopped from doing so particularly after the conciliation settlement dated 5th March, 1986—Exhibit M-24 document filed by the Bank itself. Pension scheme is existing in the Bank from time immemorial and the workmen have a right to seek revision by way of addition or in modification of the existing rules/schemes and that squarely falls within the ambit of industrial dispute. The Bank's Rejoinder dated 18th May, 1992 to the Federation's statement of claim admits that their pension

scheme is not linked annuity value but pension is paid as per contract. In view of this the demands made by the workers unions to change the terms of contract with regard to payment of pension is a valid and real industrial dispute. Explaining the concept of pension and its goals, the Federation and the Association expressed that the nature of pension has been the subject matter of much debate and has also received the attention of the Supreme Court in D. S. Nakara and others vs. Union of India, 1983-I LLJ 104. The Supreme Court in its exhaustive survey on the subject referred copiously to the recommendations of the Fourth Central Pay Commission. The concept of pension as such has to be examined in the broader context of the employer-employee relationship in general. Continuous upward movement of the cost of living index as a sequel to inflationary inputs and diminishing purchasing power of rupee does necessitate upward revision of pension. Can any one be bold enough to assert that it was good enough only for those who would retire subsequent to a specified date but those who had retired did not suffer the pangs of rising prices and falling purchasing power of rupee? Hence the term employee when used in the context of pension does include the retirees—past, present and future, according to the workers organisations who are parties to this arbitration case.

19.12 I am afraid, I have laboured too long on such a seemingly obvious point, but I had to do that, because both sides have laid great stress on assigning meaning to the term 'employee' to suit their respective view points. As the terms of reference before me is to examine the justifiability of the specified demands of the Federation and Association and then does require deep and yet elaborate probing. The 5th March, 1986 settlement was binding on the parties upto 31st December, 1989. Further settlement interim in character was reached on 20th November, 1990 and even though the parties had agreed for arbitration on pension issue in the said settlement, the formal arbitration agreement was drawn up only on 20th February, 1992 i.e. after 1 year 3 months. So after 1st January, 1990 in the intervening period there are quite a few workmen who stand retired but they clearly continue to be workmen concerned in this arbitration proceedings. It will be appropriate to see provisions of Section 18 of the Industrial Disputes Act, 1947 which deals with the persons on whom settlements and awards are binding. Clause (d) of Sub-Section (3) of Section 18 provides that award shall be binding on :

"Whether a party referred to in clause (a) or clause (b) is composed of workmen, all persons who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates on the date of the dispute and all persons who subsequently become employed in that establishment or part."

Clause (d) extends the scope and meaning of the term party to so far as it relates to a workman in clause (a) or (b). As the Supreme Court observed in :

Ramnagar Cane and Sugar Co. Ltd.

—Versus—

Jatin Chakraborty & others
1961—I LLJ 244

"The whole policy of Section 18 appears to be to give an extended operation to the settlement and the observation is equally applicable to an award that has become enforceable under the Act". Certain points about the clause need to be mentioned: first the use of the word "persons" instead of workmen. Obviously a settlement or an award under the Act can bind only a workman as defined in Section 2(s) of the Act. Perhaps some special significance is intended in using the word persons in the statute. The second is the close link-up stressed between the establishment or part to which the dispute relates. The third point is the date of the dispute. The date relevant for a settlement or an award to be binding on a workman is employment on the date a dispute is raised. It is not the date of reference to adjudication/arbitration or the date of the award. Since the date on which a dispute is raised is necessarily prior to either of the above two dates, the intention and policy to give an extended operation again becomes clear. Any workman who was in the employment

of the concern on the date of dispute will be entitled to the benefit of the award even though he may not have been in employment on the date of the reference of the dispute. (Volkat Brothers Vs. T. V. Chellappa : 7 FIR S.J. Bombay n.C.).

19.13 The exhibit WA-7 shows that the dispute relating to pension and other pending issues were originally raised by the Federation way back which was taken up by the Deputy Chief Labour Commissioner (C) on 4-2-80 and again pursued on 10-8-1985 and the Association also took it up with management on 5-3-1983 and then with the Chief Labour Commissioner (C) on 6-12-1985. This all exercise culminated only in a 'package in relation to payment of pension' in the conciliation settlement dated 5-3-1986 giving a go by for four years to the other issues related to pension. Thus the date of the original dispute does not only relate to re-raising the dispute by the Association in April, 1989 and Federation in September, 1989 as a follow up of 5-3-1986 settlement which again resulted in an INTERIM Settlement. In this context the terms "date of dispute" and "persons employed" appearing in Section 18 assume proportion.

19.14 The term 'workman' has been defined in Section 2(S) of the Industrial Disputes Act, 1947. The definition does not indicate that the workman must be employed in any industry to do any skilled or unskilled, manual or clerical work for hire or reward. In other words, the definition is intended to point out what the nature and characteristic of a person is who can be deemed to be a workman within the meaning of the Act. A workman as defined in this Section means any person who is employed at any time in the industry. If he satisfies the definition of 'workman' under Section 2(S) then whether he can raise an industrial dispute or is covered by the dispute or not should be judged by the definition of 'Industrial Dispute' given in Section 2(K). Hence, to find out whether any person even though not strictly presently working in the establishment comes in the ambit of the industrial dispute in hand, one should read Section 2(K) and Section 2(S) in conjunction. The above portion of the judgement of a Division Bench of High Court of Bombay in P. L. Mayekar Vs. A. Narayan (57 Bombay Law Reporter 1000) case quoted in the I.C.I. India Ltd. case reported in 1993-II LLJ 568—609 is very relevant in this regard.

19.15 The contention of the Bank that once the social security benefit viz. Provident Fund/Pension/Gratuity are paid and given, no further demand can lie to improve them has no strength. There is difference between pension and provident fund retirees. In case of employees to whom pension is paid, the obligation of the employer to pay the pension begins on the day of the employee's retirement and continues till his death and/or even thereafter to pay to employee's spouse or other dependent(s) under the employers rules. As against this in respect of contributory Provident Fund the obligation of the employer ends with his retirement when his rights in respect of Provident Fund is crystallised and thereafter no legal obligation continues. The case in hand relates to pension of employees past and present, the Federation/Association have espoused their cause, they have community of interest with the retirees. In view of all this, I am, therefore, unable to accept the contention of the Bank that a person in respect of whom the contract of employment has ceased to exist can not fall within the term employees used in terms of reference in the instant arbitration.

19.16 Before I deal with the merits of the issues involved, one pertinent question that I would like to examine is as to what should be the basis on which the decision for any increase in pension be based. One way for resolving the issue could be to compare the quantum of pension in Grindlays Bank with other banks on an industry-cum-region basis. The only two Public Sector Banks which have had the pension schemes are the State Bank of India and the Allahabad Bank. For quite some years the workmen employees of all the other Indian Banks had been clamouring for pension. In February, 1990 the Indian Banks' Association had agreed to introduce pension scheme in Banks for the workmen in lieu of employers' Contribution to the provident fund. The scheme was to be broadly on Central Government/the Reserve Bank of India Pattern. The A.I.B.E.A. initially was demanding pension as third Superannuation benefit in addition to C.P.F. and Gratuity. This was not acceptable to the I.B.A. However, later pension as a second retirement benefit in lieu of employers contribution to the Contributory Provident Fund was

acceptable to AIBEA provided D.A. is also reckoned for P.F. Contribution and Pension purposes. This was not acceptable to the I.B.A. After protracted negotiations spread over a long period of time, the issue was resolved after accommodating each others view points. Ultimately on 29th October, 1993 a Bipartite Settlement was signed between the I.B.A. and AIBEA; on the issue of pension. The 58 member Banks (46 Indian Banks and 12 Foreign Banks) shown in Schedule I of that settlement agreed to INTRODUCE pension as second retirement benefit scheme in lieu of Contributory Provident Fund where it did not exist for the workmen employees of the member banks with effect from 1st November, 1993. As the Grindlays Bank is a member of I.B.A., the Settlement covers it and is also applicable to all the unions affiliated to the A.I.B.E.A. By a later development, the Bank Employees' Federation of India (BEFI), a minority Confederation of Unions at the Industry level signed an agreement with I.B.A. on 7th January, 1994 endorsing the Industrywise Settlement dated 29th October, 1993. Thus, these two settlements cover all but two Unions of Grindlays Bank being affiliated directly or through their Federation/Association to either A.I.B.E.A. or BEFI. The Grindlays Bank Employees' Union Bombay and Madras do not appear to be affiliated to either A.I.B.E.A. or BEFI (either directly or through their Federation/Association AIGBEFI/AIGBEA). Thus, the Industrywise Bipartite Settlements on Pension (dated 29-10-1993 and 7-1-1994) will not cover all the workmen of the Grindlays Bank whose pension case is under arbitration before me. In any case the Industrywise Settlement is of no avail, as the introduces pension and that too as a second retirement benefit in lieu of C.P.F. whereas pension is already in existence in the Grindlays Bank and case before me is of its revision. So however the Federation and Association may be tempted to get some beneficial aspects of that settlement, the Arbitrator cannot allow them to do cherry picking. This case is thus clear that the industrywise pension settlement cannot be considered, in view of dissimilar circumstances, in this arbitration case. The Grindlays Bank pension thus cannot be compared with all the other Banks to which the above settlements are applicable.

19.17 The other basis could be to compare Grindlays Bank with foreign banks as a class for the purpose of pension benefits. Because of the size of the banking industry 'region' factor and also the commonality 'industry' factor, the industry has all along during over four decades been divided into various clauses of banks by different All India Industrial Tribunals. The Central Government in the Ministry of Labour had constituted on 13th June, 1949 an Industrial Tribunal consisting of three retired judges of High Courts to adjudicate upon the industrial dispute between several Banking Companies and their workmen. The Tribunal was presided over by the Justice K. C. Sen. The Sen Tribunal decided in favour of classification of Banks according to the working funds available to them. According to Sen Tribunal's Award their classification consisted of three Groups A, B and C. Group 'A' included All Exchange Banks, Imperial Bank of India and all other banks having average working funds of Rs. 25 crores and above. The subsequent All India Industrial Tribunal (Bank Disputes) constituted by the Government of India on 5th January, 1952 in its Award (popularly known as the Sastry Award—published in March, 1953) in general adopted the classification as in the Sen Award with addition of one more group—Group D. In their classification also A group contained interalia eight banks besides the Exchange Banks. Later on 21st March, 1960 the Central Government constituted the National Industrial Tribunal to deal with the Industrial Disputes in the Banking Industry with Justice K. T. Desai as its presiding officer. Its award was notified on 13th June, 1962. This award also classified banks into 3 classes and class 'A' consisted of banks with working funds amounting to Rs. 25 crores and above and all Exchange Bank. Thus, all though, one after another Tribunals dealing with all India Bank disputes, have put alongwith a few major Indian Banks all Exchange Banks in one class/group only. In view of the implications of the Industry-wise settlement dated 29th October, 1993 and 7th January, 1994 where the pension has been introduced for the first time in the nationalised banks, I am inclined to feel that foreign banks should be treated as a class and the Grindlays Bank being one such bank should not be compared and considered along-

with the other nationalised banks falling in class A. There are bound to be differences among the foreign banks themselves in terms of resources, volume of business, geographical spread and period of their existence in India. Care will be taken to see that near uniformity in not exact uniformity in comparable concerns in the industry is kept in view to avoid marked imbalance in the issue under consideration viz. exterior limits of pension. Concerns of more or less the equal standing should have as nearly as possible the reasonable differentials in pension so that they might stand on footing with no wide gulf with one another in the matter of competition.

20. One more relevant and important aspect is about the viability of the Pension Fund and capacity of the Bank to bear any further financial burden. Lot has been pleaded by the parties—both for and against the same. As these will have direct bearing on the findings and outcome of this Award, better to analyse the position right at this stage.

20.1 The Bank's Indian Staff Pension Scheme Trust Deed and Trust Rules was approved by the Commissioner of Income Tax Bengal III on 27-9-1976 with retrospective effect from 28-12-1974. In its written statement dated 30th April, 1992 the Bank asserts that having established a trust fund, any payment of pension can only be made through the Trust Funds. As the Bank's pension fund was unable to bear any increase beyond Rs. 2500 p.m. for clerical staff and Rs 1400 p.m. for subordinate staff (as agreed to in the Interim Settlement), it was not possible for the Bank to increase the quantum of pension beyond that. Yet later, in the written arguments, reacting on the Federation's arguments, the Bank has observed that, if there is a valid order under the Industrial Disputes Act, 1947, whatever the pension the fund can pay will be paid out of the fund and the balance increased pension payment could be made through the revenue account. In that event of increase under settlement or an award the amounts thus will be tax-allowable. The Bank has asserted about the unviability of the Fund time and again. Without admitting this, the Federation and Association have alleged that, if it be so this is squarely due to the Bank's own actions and omissions. Before 1975 pension alongwith Dearness Allowance was paid by the Bank from the Global Pension Fund, maintained and operated from London. Regular contributions used to be made to the Global Pension Fund out of the profits of the branches of the Bank in India. With the creation of the Pension Fund in India in 1975, the share of the profits contributed by the Indian Branches was not remitted back to India from London office. M W—4 during his cross examination by the Federation had stated that 'no money was transferred from London at the time of inception of Pension Fund in India'. This had direct impact on the viability of the Pension Fund. Thereafter, the Bank did not make full contributions to the Pension Fund till 1989. Contributions were made based on actuarial calculations. This fact has been accepted by Mr. Bhudev Chatterjee M W—4 while under cross-examination by Mr. Subramanyan of A.I.G.B.E. Federation on 24-9-1993 at Calcutta which reads as under :

"Full Tax allowable contribution has not been made from the inception of the Fund till 1989. Contributions were made based on actuarial calculations".

This is other reason for which the Fund had the unfunded liability. The cross-examination of M W—4 had also brought to light that initial service contribution to the Pension Fund was Rs. 1040 lacs as on 31-12-1976. The Income Tax authorities allowed only Rs. 862 lacs. The Bank paid that amount in instalments spread over a period of five years. Accordingly there was interest loss to the Fund as a result real contribution to the Fund was substantially below 1049 lacs. The Fund is an aggregate Fund meant for non-awarded as well as award staff. The funding position vis-a-vis the contribution reveals that lower is the grade they contribute more to the Fund than the benefit they receive whereas the employee in the higher grade who retire, the value of the benefit exceeds the value of contribution. The Bank in para 21 of the written statement at 30-4-1992 had itself submitted that the Bank's fund was not well funded or flushed with funds. It was being steadily built up on actuarial basis to safe-guard and secure the pension payable to the Banks employees. Large contributions were made from time to time by the Bank from out of its profits for keeping the fund at its required figure.

20.2 Keeping the submissions of the management-bank contained in its written statement in view, the Federation and the Association had been expecting the Bank to file documents relating to the Pension Fund when it did not do so, at the insistence of the workers organisations in Bombay hearing in July, 1992 the Bank was directed to produce documents relating to the capacity, viability or otherwise of the Pension Fund. It did submit a few documents on 12th August, 1992—M 39 and M 40 but these did not serve any purpose. Later in compliance with directions given on Miscellaneous Applications 5/92 and 6/92 given on 21st December, 1992, the Bank filed on 5-1-1993 a few further documents/information marked M 41 to M 45 which interalia contained Bank's Indian Staff Pension Scheme Fund Balance Sheets as at December 31, 1990 and March 31, 1992 (M 43 and M 44). These documents did reveal certain facts but did not disclose all required materials and facts to ascertain how far the Pension fund is viable. From the Pension Fund accounts so submitted it could not be made out as to how much total contributions the Bank had made till year ending March, 1992 to the Pension Fund, how much of the Bank's contributed funds have been utilised for paying pension to the Award staff, non-award staff and Management staff. Further from the Pension Accounts and the report of the Auditor audited for the year ended 31-12-1990 it could not be made out what short fall if any, the fund suffers from to meet its liabilities on that date. Same was the position about the unaudited accounts of Pension Fund submitted by the Bank for period ending 31-03-1992.

20.3 A close look at the Pension Fund Accounts for the year ending 31-12-1990 shows that the surplus earned by the Fund was Rs. 1,70,57,978.97

*Contribution received from the Bank	1
PLUS	1
*Instalments of annuity received/receivable from LIC	1 X
PLUS	1
*Revenue Account being Fund generated by the Fund.	1
MINUS	1
*Pension paid/payable	1
PLUS	1
*Commututed pension paid.	1 Y

X—Y=Surplus earned.

Similarly the Pension Fund Account (M 44) under Benefit Account shows the funding pattern and fund generated by the Pension Fund for the year ending 31-3-1992. Here the surplus earned by the Fund for this period amounted to Rs. 5,18,07,273.02. This is all what could be known about the present viability and the capacity of the Fund to bear additional burden. Thus, there is no merit in the contention of the Bank that the Fund is not viable. It could not substantiate its stand on this score.

20.4 After seeing the viability aspect of the Pension Fund let us now have a look at the capacity of the Bank. One redeeming feature in the whole case is that the Bank has not pleaded at any stage even obliquely that the Bank has no capacity to bear the financial burden which might flow from improving the 'Interim Settlement' dated 20-1-1990. Around the period when the 5-3-1986 Settlement was signed, the Bank's net profit was Rs. 7.68 crores. This had risen many fold during the subsequent years. Document M 41 (Annual Accounts 1991-72) shows that the net profits of the Bank were as follows :

For the year ended 31-3-1991—34.10 Crores.

For the year ended 31-3-1992—92.02 Crores.

20.5 As it was essential to bring on record the strength of the award staff in position, Award Staff Pensions, Widow Pensioners, the Bank had furnished these figures on 5-1-1993 on the directions of the Arbitrator contained in his orders dated 21st December, 1992. The statistics brought on record are as under.

(1) Total Number of Award Staff Pensioners

	1990	1991	1992
Clerical Staff	997	1,019	1,045
Sub-Staff	418	428	415

(2) Total Number of Widow Pensioners who have become widow after 1-1-1990

	1990	1991	1992
Clerical Staff	9	43	77
Sub-Staff	7	28	51

(3) Total Number of Award Staff

	1990	1992
Clerical Staff	2,135	2,177
Sub-Staff	690	642

20.6 The Association in its written arguments dated 6-4-94 has argued about the need for increase in the Widow Pension in view of the meagre pension paid to a large number of Widows of the Pensioners. They have to face extreme hardship in view of the steep rise in prices and loss of purchasing power of a rupee. It has enclosed a list of those in receipt of Widow Pension from the Bank's Delhi Centre. The list contains the names of 115 Widows out of which those who received pension less than Rs. 100 p.m. are 8 (eight) and 40 Widows get over Rs. 100 but less than Rs. 200. The Association had produced the list as Annexure 'A' to its written arguments which was rather at a very belated stage. There is no proof with regard to the details contained therein. It may give merely an idea of the trend of the Bank's Widow Pension but it is difficult to accept it as substantiated.

21. As I do not unnecessarily wish to add to the length of this Award, after having analysed at length in the preceding paragraphs the crucial and relevant aspects that have a direct bearing on the issues involved in the terms of reference, let me now deal with the points that arise for determination. These are given below with my findings thereon:

S.No.	Points for Determination	Findings
1	2	3
Pension and allied matters		
1.	Does the term 'Pensionable Salary' as presently defined in Rule 2(i) read with rule 2(1) of the Rules of Grindlays Bank Ltd. Indian Staff Pension Scheme (M-42) amended upto 19-7-1989 require amendment to include any other allowance in the case of Award Staff?	Yes
2.	Does formula for determining pension necessitate any change?	No
3.	Should revision of Pension in the Bank be linked to cost of Living Index?	No
4.	(a) Should the retirees prior to 1st September, 1978 be given any increase in pension? (b) Is the demand for increase in pension for retirees from 1-9-1978 to 31-10-1987 justified?	Yes

1	2	3
5. Whether the demand for upward revision of Pension beyond the ceilings provided for in the 'Interim Settlement' is justified?	Yes	
6. Do the demanded new schemes of payment of pension be introduced at Bank's cost?	No	
7. Is the demand for increase in the payment of Widow Pension justified?	Yes	
8. Are the demands for (a) Medical Allowance (b) Leave Travel Concession for pensioners justified?	No	
9. Does the demand for payment of Gratuity at the rate of one month's pay for every completed year of service with a maximum of 24 months pay fit in, in this reference?	No	directions
10. Is the demand for restoration of commuted portion of the pension justified?	Yes	
Canteen Subsidy		
11. Whether the demand of the Federation and the Association for enhancing the existing quantum of Canteen Subsidy is justified?	Yes	

Reasons for findings:

22. I have dealt with at length on the submissions and pleadings of all the three parties on all the above points in earlier part of this Award. Hence I will avoid repeating the same hereafter and shall restrict to the extent possible to the reasonings for answering the specific points in the affirmative or negative.

23. POINT NO. 1 'Pensionable Salary'.—The Federation (Para 57.1 of Statement of Claim) and the Association (Para 30(1) of Written Statement) both have demanded that 'Pensionable Salary' should mean and include Basic Pay, Special Allowance, Dearness Allowance, Allowance for Educational Qualifications and Officiating Allowance. The Bank's existing Rules include in pensionable salary only Basic Pay and Dearness Allowance but does not include Special Allowance, Officiating Allowance or any other allowance. The Bank has filed an exhibit 6 alongwith its written statement dated 30th April, 1992 giving the definition of 'Pensionable Salary' in other foreign Indian Banks. There is no uniformity in definition and it will not be easy to achieve any uniformity. It is however, seen that majority of the Banks shown in that list do include Special Allowance in the pensionable salary. It is seen from the Bipartite Settlement of April, 1989 (M-9) that nearly twenty categories of clerical staff and thirteen categories of sub-staff of the Bank receive special allowance. In para 52(a)III of its written arguments dated 5-3-1994 the Federation, diluting its earlier stand has desired that in the case of Award Staff the rules be amended to include in 'Salary', the eligible Special Allowance and the Dearness Allowance but not any other allowance. I agree with it as it is reasonable. I direct that only that portion of Special Allowance ranking for Provident Fund, Gratuity etc.; in the light of the Industry-wise Bipartite Settlement be taken into account as part of the Pensionable Salary. The relevant rule 2(1) be amended accordingly.

24. POINT NO. 2. Formula for Determining Pension.—The Federation while detailing its demand in para 52.2 of the Statement of Claim has demanded that there should not be any ceiling on pension for the workmen on line with the service conditions in the matter applicable to the non-Award Staff. The discrimination in this regard be removed, feels the Federation.

The Association has only demanded that there should not be any ceiling on Pension for the workmen Staff without mentioning of any discrimination, and further in the reckoning of the length of service, the Association feels the present restriction of 40 years service as maximum be removed and the actual length of service be taken into consideration for calculating the pension. It also wants that the pensionable salary should be taken as one which was paid in the preceding month of retirement.

24.1 I cannot persuade myself to endorse the approach of the Federation in bringing in the non-award staff/management staff for seeking any uniformity in such conditions of service. There can be no justification for comparison between the management and non-management staff for the purpose of determining their conditions of service.

24.2 The Bank alongwith its written statement has in Exhibit 4 given the relevant details of the old age and survivors' Pension Scheme existing in 14 countries of ASIA and Pacific to show that Grindlays existing Pension Formula is at a higher footing. Further, the Bank has also filed as Exhibit 5 to its written statement, a statement giving the formula for calculation of Pension in eight foreign Banks operating in India. It reveals that the Bank's formula is better than the formula existing in other foreign banks. The only Hong Kong Bank's formula is comparable with the Bank's formula.

24.3 In Grindlays, prior to 5th March, 1986, the average salary was calculated at the average of 24 months pay preceding the date of retirement. In its wisdom then the Federation and the Association agreed to accept the offer of the Bank and got it incorporated in the conciliation settlement dated 5-3-1986 to the effect that Pension will be based on average basic salary for the period of last 12 months preceding retirement and the pension fraction would be 1/60 per year of service. Term No. 4(i) of the settlement refers. Based on experience, each bank evolves its rules over the course of time. These basic rules are not normally changed frequently and should not be altered unless these contain any infirmity, and could be proved very unfavourable as compared to other comparable establishments. The workers organisations have not put forth any evidence or pleadings to convince that the Banks rules are such in this regard which warrant an alteration.

24.4 The pension factor to be realistic should take into account the age of retirement. It is an admitted fact that the age of retirement in the Bank for workmen staff is 60 years. Hence the divisible factor has to be 60 years. Further, I feel the maximum number of years of service to be taken into account for the purpose being 40 years which is provided for in the Bank's relevant Rules is quite justified and moreover the Association has not given any convincing or cogent reasons to change it. The only other demand in respect of the Pension Rules is that the Pensionable Salary should be taken to be one payable in the preceding month of retirement. In other banks as well as in the foreign Indian Banks, pension is not calculated on the basis of the salary payable in the preceding month of retirement. Federation exhibit WF 37 lends support to it. By and large elsewhere the average of the last one year's pay prior to the date of retirement is the salary which is taken into account for calculating the pension.

24.5 I therefore, hold that there is no reason to accept the demand in changes in the formula for determining pension. The Federation/Association's demand on this score is hence negatived.

25. POINT NO. 3, D.A. on Pension.—The Federation as well as the Association both have demanded the benefit of Dearness Allowance for increase in 10 points/8 points respectively in the All India working class consumer Price Index at 50 per cent of the rates of D.A. payable to workmen. They want this benefit to be extended to all the existing pensioners and would be pensioners. Thus, in short the demand is forlinking pension with the Consumer Price Index.

25.1 In the matter of granting payment of D.A. on Pension, the history of the Bank in the last 50 years shows that in the past the Bank has been granting to pensioners cost of living Allowance/Special Allowance/additional allowance to meet the rise in the cost of living. It was in the form of certain percentage of pension with some minimum amount. Way back in 1941 cost of living allowance was paid to

pensioners. It saw upward revision effective 1-7-48 and further revision from 1-1-49. Later the Bank paid an additional allowance to pensioners effective 1-4-63. This saw further increase with effect from 1-11-1970. Subsequently for nearly sixteen years there was no tangible development in regard to pension matter till the settlement of 5-3-1986. For pre-1978 retirees the Bank granted monthly pension increase of Rs. 100 for clerical staff and Rs. 65 p.m. to Sub-Staff with effect from 1-3-1986. For retirees from 1-9-1978 the pension saw upward revision and ceilings in pension were increased with effect from 5-3-1986.

25.2 The question of payment of dearness allowance on pension was subject to the adjudication proceedings before the Sastry Tribunal. One portion of item 2 of the dispute referred to it was 'dearness allowance to pensioners'. At that point of time—1952/1953, there were only about 10 banks which gave pension to their employees on retirement. These were the then Imperial Bank of India and some of the Exchange Banks. It was argued on behalf of the one such bank paying pension that pensioners who had retired, their pension amounts should not in justice be correlated in any sense whatever to the rise in the cost of living in the years subsequent to their retirement when they are no longer rendering any service to the Bank. The Tribunal had observed that "on principle this distinction ought to be recognised as a sound one". The Sastry Tribunal hence did not recognise the claim for D.A. in the case of pensioners. It gave no compulsory directions for payment of D.A. to pensioners. It however recommended that it was a different matter if the banks recognising the difficulties of the times, voluntarily extend a measure of help in such cases as well.

25.3 In foreign Indian Banks pension is not linked to or subject to the variations in the cost of living. The Association's witness AW-1 Shri Rajinder Sayal in his cross-examination on 22-2-1993 at New Delhi has tacitly admitted that index linked dearness allowance on pension is not paid in any other foreign bank.

25.4 It is accepted that aim of pension is to provide some economic security in the fall of life. Various High Courts as well as the apex Court of the Country have held that since prices undergo upward change, it should also be the aim to maintain, to the best extent possible, the level of pension. This could also be done by compensating through ad-hoc additional payments as has been done by the Grindlays Bank itself in the past after 1941 though not with any fixed periodicity. This additional payment aspect is being dealt with in the subsequent point.

25.5 In view of the aforesaid facts, and in the light of the position obtaining in foreign Indian banks where pension is not linked to cost of living Index, I am inclined to reject this demand of the Federation and the Association.

26. POINTS NO. 4(a) Increase in Pension to retirees prior to 1-9-1978.

4(b) Increase in Pension to retirees from 1-9-1978 to 31-10-1987.

The Federation in para 57.7 and the Association in para 30(7) of their Statements of Claim in identically worded demand have asked for increase in monthly pension of pre 1-9-1978 retirees to Rs. 1200 for clerical staff and Rs. 800 in the case of Subordinate Staff. While giving justification of the demands in para 51 of its written arguments dated 5-3-1994 in clause (e) the Federation highlights the demand as:

(e) Increase in pension to pensioners with minimum fixed and payment of D.A. relief.

In support, it drew attention to arbitrators records to show that revision of pension and extending benefit of revision to a section of pensioners and paving to the others increases on ad-hoc basis, has been a usage and practice in Grindlays Bank. Similarly the Association in its written arguments dated 5-4-1994 has stressed that the whole purpose of pension revision is that real value of pension must be preserved by linking it with Index OR some other mechanism devised to ensure that pensioners do not suffer to the rise in prices for which they are not responsible. While the Federation filed a document marked WF 39 (letter dated 6-2-1992 from ANZ

Bank, London) showing how pensions of past retirees even from prior to 1970 upto 1990 were revised by certain percentages ranging from 11 per cent to 5 per cent, it as well as the Association have drawn support to substantiate their stands on pension increase to past retirees from this exhibit.

26.1 The Bank has been maintaining right from the written statement (April, 1992) stage to the written arguments (May, 1994) stage that as far as pensioners who are not the 'workmen' of the Bank, the industrial dispute is not maintainable. Further having established a trust fund any payment of pension can only be made through the Trust Funds which is unable to bear any increase. Having settled the pension amount through settlements once for all, it is not open to the Unions to raise any dispute about 'OUTSIDERS'.

26.2 Traditionally pensions were unalterable but that was because the value of money was stable. The meaning of pension changed over the years. The pension and connected aspects have been the subject matter of much debate. It has received the attention of various High Courts and Supreme Court during the last twenty five years or so. The Federation, Association and the Bank have profusely cited during the arguments, various High Court/Supreme Court judgements. During the last one decade itself, the land mark judgements delivered on this subject are :

- (1) D. S. Nakara and Others Vs. Union of India 1983 I L.J 104 : Supreme Court.
- (2) Bharat Petroleum Management Staff Pensioners Vs. B. P. C. Ltd. 1988 3 S.C.C. : Supreme Court.
- (3) All India Reserve Bank Retd. Officers Association and others Vs. Union of India. S.C. Judgement Dt. 10-12-1991 W/P 10 of 1991
- (4) I.C.I. Ltd. Vs. Presiding Officer and Others 1993 II L.J 568 High Court of Bombay.

The Association and the Federation have also cited at length in their pleadings the observations and the recommendations of the Fourth Central Pay Commission of the Government of India (December, 1986) some of which could be of general application.

26.3 The sum and substance of the pronouncements of the aforesaid authorities is that the concept of pension carries within it the terms of certainty, periodicity and adequacy. The pension is not only compensation for loyal service rendered in the past, but pension also has a broader significance in that it is a measure of Socio-economic justice which inheres economic security in the December of life when physical and mental prowess is ebbing corresponding to aging process. In the case of pensioners it is necessary to revise the pension periodically as the continuous fall in the rupee value and the rise in prices of even essential commodities necessitates an adjustment of the pension amount.

26.4 So it is obvious that increases in pension are to be given not only to future retirees but the past retirees as well. The Bank itself has been doing so either of its own volition or as a result of negotiations with the Federation in early years and with the Federation and Association in later years viz. 1986, 1990 when even tripartite settlements were signed. Hence having set the precedents one after another it can not take a totally inconsistent stand now to deprive the old pensioners of increases in their pension amounts and pension ceilings.

26.5 The only other hurdle from the Bank's side about the non-viability of pension fund has been dealt with at length in earlier paragraphs. In any case the Bank in its written arguments has accepted the position that whatever the pension the fund can pay, will be paid out of it and the balance increased pension payment could be made through the Revenue Account.

26.6 It is absolutely obvious from records that the Bank had reached a settlement with the Federation on 16th September, 1970 granting increases to pensioners from 1-11-1970 and fixing in the case of Subordinate staff, the minimum pension at Rs. 45 p.m. After the establishment of the Pension Fund and almost 16 years after the above revision, a conciliation settlement was signed on 5th March, 1986. It covered the retirees from 1-9-1978 onwards. Those who had retired prior to 1-9-1978 were left at the discretion of the Bank to grant some increase to

them with effect from 1-3-1986. These were rather inadequate. Similarly the subsequent settlement dated 20-11-1990 covered only the Clerical and Sub-Staff retirees after 1-11-1987. It left out the retirees between 1-9-1978 and 31-10-1987. Thus injustice has been done in their cases and it has got to be mitigated.

26.7 The matter has therefore to be viewed from a perspective which not only confers benefit to the old pensioners who deserve it but is also simple and easy to administer. I have borne in mind that there are pensioners who retired many years ago and whatever relief is to be provided should be such that it is easily given to them by the pension disbursing authorities without requiring any detailed recalculations of pension by the pension sanctioning authorities and processing through various channels.

26.8 Taking all the above factors into consideration, I answer the points 4(a) and 4(b) in the affirmative and direct the following increases in pension :

Point 4(a) Retirees prior to 1-9-1978 :

- (i) Existing Pension of clerical staff and sub-staff will be increased by 30 per cent (Thirty per cent).
- (ii) Minimum increase shall be Rs. 150 p.m. (Rupees One Hundred Fifty only)
- (iii) No pensioner will get less than Rs. 350 p.m. (Rupees Three Hundred Fifty only) as pension.

Point 4(b) Retirees between 1-9-1978 and 31-10-1987

Existing pension of clerical staff and sub-staff shall be increased by following percentages :

Retirees between	% increase in Pension
1-9-1978 to 30-6-1983	20% (Twenty per cent)
1-7-1983 to 31-10-1987	15% (Fifteen per cent)

I award accordingly.

27. POINT NO. 5 Upward revision of pension beyond ceilings of Interim Settlement dated 20th November 1990.

This is the most important rather the Core Point in the whole dispute referred to me for arbitration. The Bank has, in its arguments, switched over to the position that foreign Indian banks be treated as a class within even amongst the A Class banks in India. That being so, and since the Bank did not dispute its paying capacity (Save and except its harping on the point about non-viability of the Pension fund, which could not be proved through records or evidence), the very relevant question which arises is with regard to parity or near parity on ceilings of pension between the Grindlays Bank and other foreign banks in India. The Bank has filed a comparative statement showing the pension benefit in 8 foreign Indian Banks which is at exhibit-M 20. The Federation as well as the Association have also filed large number of documents to show the levels of ceilings on pension in Standard Chartered Bank, Hongkong Bank (earlier known as Mercantile Bank). This may be because they feel these banks are comparable to Grindlays Bank in terms of resources and capacity, even though the above two foreign banks' operations are confined more or less to the metropolitan areas as compared to Grindlays Bank which has as many as 56 branches throughout in India.

27.1 The level of pension payments in other foreign banks is one of the important factors to be taken into account for determining the quantum of pension in the Grindlays Bank. Neither the highest nor the lowest pension amounts paid by the foreign banks alone will help answer the issue. There are at times other invisible or apparent reasons for fixing particular ceilings in a particular bank which may not be applicable to other banks. In some such banks, the revision of pension ceilings is an outcome of bipartite or even conciliation settlements where the process of 'give and take' and spirit of adjustment play an important role besides the level of bargaining power of the parties.

27.2 The documents filed by the parties reveal the following position in respect of increases given in ceilings and the existing maximum pensions in the two foreign Indian Banks and the Grindlays Bank.

Bank	Maximum pension per month		Figures from exhibits
	Clerical Staff	Sub-Staff	
1	2	3	4
Standard Chartered Bank.	(i) 2800	1400	W F 12 W A 15 M 13 Conciliation Settlement dated 8th October, 1988 in force till 31-12-1990.
	(ii) 4000	2200	W F 13 W A 17 Effective from 1-1-1991
Hongkong Bank.	(i) 3500	1750	W F 16 Conciliation Settlement dated 3-3-1989
	(ii) *5000	2500	W F 17 W A 14 Bipartite Settlement dated 3-2-1990 To be in force from 1-1-90 till 31-12-1992.
<p>*According to written arguments of the Grindlays Bank-Page 105, this has been raised to Rs. 6000 p.m. As against this, the position in Grindlays Bank has been:</p>			
	(i) 1600	800	w.e.f. 5-3-1986 Conciliation Settlement.
	(ii) 2500	1400	w.e.f. 20-11-1990 (Interim Settlement)

27.3 So far as the latest raise in the ceiling in Standard Chartered Bank is concerned, its background has come on record through the evidence of MW 3 Mr. C. S. Thanky, Chief Manager Legal and Employee Relation. His affidavit dated 21st July, 1993 has two enclosures :

(i) Settlement dated 19-11-1990.

(ii) Letter dated 19-11-1990 from Director, Employee Relations, of the Bank addressed to the General Secretary, A.I.S.C.B. Employees' Federation.

As per the Settlement, the Bank agreed to give one consolidated allowance to each workman staff in relation to the range of steps in the scale of pay as applicable to him. The said allowance was termed as 'SCB Allowance' and it was in lieu of Refreshment expenses/Canteen Subsidy/Additional allowance and Functional allowance such as special allowance etc. The quantum of the SCB allowance was effective from 1-1-1990 and is to remain in force upto 31st December, 1994. The letter referred to at (ii) above lays down the quantum of SCB allowance :

For Clerical Staff	From Rs. 800 p.m. to Rs. 1900 p.m.
For Sub-Staff	From Rs. 450 p.m. to Rs. 875 p.m.

It also provides that considering the excellent gesture on the part of the workmen staff in undertaking to extend their unstinted cooperation in the effective implementation of its plan of action, the Bank exceptionally agreed inter alia that SCB allowance to the extent of 50 per cent thereof will be reckoned for the purpose of computing pensionable salary. MW 3 testified the aforesaid two enclosures during his cross-examination. The Grindlays Bank had earlier on 29-5-1992 filed a copy of this Settlement dated 19th November, 1990 (M 22). In this background, on the recommendation of the S.C. Bank and SCB Employees Pension Fund Trustees' discretion, the maximum ceiling of monthly pension was increased to Rs. 4000 for clerical staff and Rs. 2200 for Subordinate Staff in that Bank w.e.f. 1-1-1991 just the next day after 31-12-1990 till which the earlier settlement was in force.

27.4 In regard to the Hongkong Bank the maximum pension was Rs. 5000 for clerks w.e.f. 1-1-1990. The learned Mr. C. Krishnamurthi in his arguments dated 14-5-1994 had pleaded that the extended maximum pension of Rs. 6000 and even the earlier pension of Rs. 5000 was only a notional limit as due to the formula of the pension payable as per the Trust Rules in Hongkong Bank the Clerical staff pension will not exceed Rs. 4400 p.m. In his cross-examination on 22-2-1993 AW-1 Shri Rajinder Sayal had admitted that increase in pension to Rs. 5000 for clerical staff w.e.f. 1-1-1990 in Hongkong Bank was notional. As the Federation and Association have taken a stand in arguments as well in cross-examination of AW-1 that the comparison of Grindlays Bank Pension Ceiling could only be made with Standard Chartered Bank and Hongkong Bank, I have examined in detail the factual position obtaining on the pension ceiling in the two banks.

27.5 The Federation has filed one document marked WF-10 which is a letter dated 25th April, 1973 from the General Manager, of the then National and Grindlays Bank Limited, Calcutta addressed to the General Secretary, A.I.N. & G.B. Employees' Federation, Madras which gives idea about the Bank's views on the pension payment obtaining then. I quote the extract :

"The pension that is being paid in this Bank being in lieu of gratuity must bear some relation not only to gratuity but pensions in other banks".

"Amount of total pension that would be received by a member of the clerical staff after 30 years of service with a basic salary of Rs. 550 will be :

	Per Month
	Rs.
National & Grindlays Chartered Bank	357.50
Mercantile Bank	336.87
	316.25

Earlier to that, in March, 1973 the Bank wrote to the Federation in unequivocal words (exhibit WF-9) :

'The pension benefits payable to pensioners of this Bank must have a close relation with the benefits obtaining in other units of the banking industry'.

However the above analysis made in para 27.2 will show that the ceilings on pension in the Bank vis-a-vis the other two comparable foreign Indian Banks have not been kept close in later years.

27.6 One more interesting aspect is revealed from the evidence of AW-1 Shri Rajinder Sayal through his affidavit dated 20-2-1993. He as the General Secretary of the A.I.G.B.E. Association had gathered information regarding the Gross and Net profits made by the Grindlays Bank as also Standard Chartered Bank and Hongkong Bank for the year, 1990-91. The same given in para 17 of his affidavit is reproduced below :—

S. No. of No. Branches	Name of Bank	Gross profit	Net profit (In Crores)	
1	2	3	4	5
1. 56	ANZ Grindlays	403.99	34.10	
2. 24	Standard Chartered.	175.52	31.18	
3. 20	Hong Kong	196.36	14.67	

Exhibit M 41-P/L Account of Grindlays Bank for the year ending 31-3-1992 shows that its net profit had gone upto Rs. 92.01 crores.

27.7 The trend of the increases in ceilings of pension in the Grindlays Bank shows that :

- In 1952-53, when Sastry Tribunal was seized with the all India dispute of Bank employees, the ceiling in pension was Rs. 400 p.m.
- With modification of pension rules by Settlement dated 16th September, 1970 the ceiling in respect of basic pension was enhanced to Rs. 500 p.m.
- After a gap of about Sixteen years and culmination of the Industrial Dispute raised by Federation in 1980 and the Association in May, 1983 under conciliation settlement dated 5-3-1986 ceilings were raised for clerical staff to Rs. 1000 p.m. for retirees between 1-9-78 to 30-6-83 and to Rs. 1600 p.m. for those who retired between 1-7-83 and 4-3-1986. For Sub-Staff the Pension Ceiling was fixed at Rs. 800 p.m.
- Though the above 1986 settlement was to be in force upto 31-12-1989 the Interim Settlement dated 20-11-90 revised ceiling only with effect from 1st December, 1990.
- Not only there was a long delay in reaching a settlement in 1986 but the increases in ceilings for retirees with effect from 1-9-1978 and 1-7-1983 were made effective only from 5-3-1986 depriving arrears of pension increase to said retirees. Similarly, the subsequent settlement—the interim one, increased the ceilings for Clerical and Sub-Staff retirees on or after 1-11-1987 but it was made effective only from 1-12-1990.

27.8 The latest increases in pension ceiling in the Hong Kong Bank were an outcome of settlement dated 3-2-1990 and were effective from 1-1-1990 and escalation in ceilings in Standard Chartered Bank followed Settlement dated 19-11-1990 and revision effective from 1-1-1991. To improve the 1986 settlement in Grindlays Bank which was to be in force till 31-12-1989 the demands had been placed on the Bank by the Association on 17th April, 1989 and by the Federation on 11th September, 1989, it means the Bank was aware of the developments on pension issue in the other two banks but it conveniently ignored these hence the Federation and Association have agreed to reach only an Interim Settlement on 20-11-1990.

27.9 There is yet one more aspect of the leisurely manner in which the matter has been handled and delay caused to employees cause. The Interim Settlement was reached on 20-11-1990 agreeing to refer the entire matter relating to pension for arbitration and even term of reference were drawn up before the Deputy Chief Labour Commissioner (Central) on 20-11-1990 itself which were signed by the parties. Yet it was only on 20th February, 1992 that an Arbitration Agreement Under Section 10-A of the Industrial Disputes Act, 1947 was drawn up and signed, clearing the decks for reference to the Arbitrator. A clear gap of one year three months, I think this was clearly avoidable.

27.10 As is known, the pension is linked to pay which in turn is linked to particular Index point. The earlier 1986 Conciliation Settlement was to be in force till 31-12-1989. In December, 1989 the A.I.C.P.I. for Industrial Workers was 862. The Fifth Bipartite Settlement in respect of 'A' Class Bank was dated 16th April, 1989. It was effective from 1-11-1987 and was to be in force for a period of 5 years. It was linked with 600 points of Index. For want of incomplete statistics, I am constrained to say that no case has been made out by the Bank to show how the Ceilings on pension contained in the Interim Settlement dated 20-11-1990 were worked out to show that those amounts alone were justified. Nor the Federation or Association have worked out and claimed specific figures which they feel would be justified as ceilings on Pension. The only way out is to see justifiability on the basis of comparison with the comparable banks.

27.11 After considering the documentary evidence in its entirety and the elaborate reasonings given in paragraphs 27 to 27.10 above, I have no doubt that the Bank management had been unreasonable in fixing the lower ceilings on pension of clerical staff and the subordinate staff in the Interim Settlement dated 20th November, 1990. The Bank's plea that the benefits of the Interim Settlement be treated as final is hence rejected. The demand of the Federation and the Association for upward revision of Pension is quite reasonable and justified. I accordingly answer the point No. 5 in the affirmative. Among other things, the capacity of the Bank to pay its employees more being a factor to reckon with, I have given it due importance and consideration. Further I find from the statistics currisshed by the Bank in compliance to my directions of 21st December, 1992 that the total number of Award Staff Pensioners in 1992 was 1045 Clerical and 415 Sub-Staff and the total number of Award Staff has been 2819 only as on 1-1-1992. All these are kept in mind while answering point No. 5 below.

27.12 To be just to employees at the same time fair to the employers I award the following :

- In the case of sub-staff members who retired from the Bank's Service from 1-11-1987 and onwards the Ceiling on monthly pension will be :

From 1-1-1990 to 31-3-91 Rs. 1500/-
1-4-1991 to 31-3-94 Rs. 1600/-
1-4-1994 and onwards Rs. 1800/-

- In the case of Clerical staff who retired from the Bank's Service from 1-11-1987 and onwards, the Ceiling on montly pension will be :

From 1-1-1990 to 31-3-91 Rs. 2600/-
1-4-1991 to 31-3-94 Rs. 3000/-
1-4-1994 and onwards Rs. 3600/-

- From 1st April, 1994 the Ceiling on monthly pension will be Rs. 1800/- in the case of

Subordinate Staff and 3600/- in the case of Clerical employees.

28. POINT NO. 6 Demand for new Schemes of payment of pension.

The Federation in para 57.5 of its Statement of Claim and the Association in para 30(5) of its Written Statement (both identical) have demand the introduction of the following new Schemes of payment of pension at Bank's cost, in addition to the existing scheme of payment of pension for Life with five years certainty :

- (a) For life and 10 years certainty.
- (b) For life and 15 years certainty.
- (c) For life and 20 years certainty.
- (d) For life with the benefit of return of purchase price applied for purchase of pension to the nominee(s) on the death of annuitant.

The Association did not give any justification for the demand in its Written Statement but assured to place in detail during the hearing which was not done. The Federation in its written arguments at para 51 enumerated 10 heads under which its demands fall where this demand stands deleted. As the existing scheme is in operation for long number of years and for want of full justification for necessitating introduction of new schemes, the demand is negatived.

29. POINT NO. 7 Increase in the payment of WIDOW Pension.

The pleadings of the Federation and the Association on this issue are having enough strength, hence I answer this point in the affirmative. In the light of the increased Pension[enhanced Pension Ceilings awarded by me under points 4(a), 4(b) and 5 above, the Widows will get the enhanced benefit automatically

I direct that the scale/provided for in the Grundlays Bank Award Staff Widows' and Children's Pension Plan exhibit M-4 should continue ensuring that the eligible widows[eligible children get the benefits flowing from amounts of increased pension[enhanced pension ceilings awarded under Points 4(a), 4(b) and 5 under para 21 of this Award.

30. POINT NO. 8 Demands relating to (a) Medical Allowance, (b) Leave Travel Concession for Pensioners.

It is not possible to read the reference to me with such cuteness or astuteness yet, I cannot help observing that the reference to arbitrator ought not to be construed that liberally as has been done by the Association and the Federation. These separate demands placed by the workers organisations for the pensioners, are not justified.

The 'Allied Matters' which warranted increases in pension on ad-hoc percentage basis and fixing minimum pension to pre 1-9-1978 retirees and percentage increases to retirees between 1-9-1978 and 31-10-1987 and also effecting upward revision of pension ceilings to post 1-11-1987 retirees, have been taken care of. After all these adjustments are to meet some rise in

cost of living for taking care of interalia increases in expenditure in medicines and transport for travel in old age etc.

The exhibits WF 17 filed by the Federation and WA 14 filed by Association are settlement dated 3rd February, 1990 and WF 16 the settlement dated 3rd March, 1989 reached between Hong Kong Bank and the A.I. Hong Kong Bank Employees' Federation which both reveal that the said Federation demand for grant of medical benefits to pensioners of that Bank was rejected.

Hence the award for demand under Point No. 8 is in the negative.

31. POINT NO. 9 Gratuity

The Federation in para 58(a) of its Statement of Claim and the Association in para 30(14) of its Written Statement have demanded for Bank's retirees payment of one month's pay for every completed year of service with a maximum of 24 months pay in terms of the subsisting service condition.

31.1 The Federation vide its letter dated 19th August, 1981 had raised an industrial dispute alleging that despite the provisions of the Payment of Gratuity Act, 1972, the Bank had not paid gratuity as per the Act to some of the workmen who had retired and where the Bank had paid gratuity under the Act, it had reduced, by the actuarial value of the amount of gratuity, the amount of pension payable to the workmen as per the Settlement dated 16-9-1970. The Bank's stand was that order the Sastry Award as modified, payment of gratuity was alternative to pension and that the employees were entitled either to gratuity or pension. The Bank had felt then that as a matter of fact, instead of discontinuing the pension, the Bank had evolved an equitable way of complying with the provisions of the P.G. Act, 1972 as well as paying some pension to the workmen, so that on a totality the retiring benefit which the workmen got was not less than what they got earlier. The Federation felt that Bank's contention was not tenable in the light of a decision of the Supreme Court in Som Prakash Rakhi's Case—1981 I LLJ 79 and claimed that the Bank was under obligation to pay to the workmen who retired on or after 16-9-1972 pension as per Settlement dated 16-9-1970 as well as the gratuity under the P.G. Act, 1972. In the meantime some retired workman had taken recourse to action Under Section 33-G(2) of the Industrial Disputes Act, 1947; while the claim applications were pending and the petitions were in process in the C.G. Labour Court, the parties mutually discussed the matter and resolved the dispute by signing a mutual agreement on 12th July, 1985. The Bank, conceding the demand of the Federation had agreed that the Bank's workmen who retired on or after 16th September, 1972 shall be paid pension in terms of the Settlement dated 16th September, 1970 and also gratuity in terms of the P.G. Act, 1972. (Exhibit 1 to Written Statement of the Bank and M. 23). A similar demand was made by the Association vide its letter dated 5th May, 1983 to the management. After bilateral discussions, the Bank signed an identical mutual agreement with the Association also on 12th July, 1985 (Exhibit WA-1).

31.2 The Federation submits in para 55 of its Statement of Claim that the Bank pays Gratuity to

the retiree Award Staff strictly according to the provisions of the P.G. Act, 1972, in the case of non-Award staff and officers, it pays a maximum of 24 months pay as Gratuity. It wants this discrimination against the workman to end and further wants the Grindlays Bank to fall in line with the Chartered Bank and the Hong Kong Bank.

31.3 The Bank created Indian Staff Gratuity Fund and got its Grindlays Bank Plc, Indian Staff Gratuity Scheme Trust Deed and Trust Rules approved by the Commissioner of Income Tax, W.B. III on 28-3-1989 with retrospective effect from 28-12-1987. As per P.G. Act, 1972, Explanation to Section 4-A, "approved Gratuity Fund" has the same meaning as in Clause (V) of Section 2 of the Income Tax Act, 1961 (43 of 1961). The updated copy of the same as in September, 1989 has been filed by the Bank and is at Exhibit M-6.

31.4 The Rules of Bank's Indian Staff Gratuity Scheme to the extent those are relevant, provide as under :—

SECTION II

5 Benefits : A.—The amount of Gratuity payable under the scheme xxxxxx shall be :—

(1) In accordance with payment of Gratuity Act, 1972, where that is applicable.....

OR

(2) Where on the day before the date of exit from the service of the Bank, an employee was a member of the Award Staff, one month's pay for each year of service, subject to a maximum of 24 months pay;

B

iii. Where the Gratuity benefit comes both under Sub-rule (1) of this Rule and under either Sub-rule (2) or (3) then the amount payable will be higher of the two amounts as between (1) and (2).

31.5 The Association right from 17th April, 1989 when it first raised before the Bank demands seeking revision of settlement dated 5-3-1986 has been complaining that the Bank is avoiding implementation of Section 5 of the P.G. Act, 1972 and desires the Bank to implement it from the date it has been made applicable. The Association when it says Section 5 it means Sub-Section (5) of Section 4 of the P.G. Act. The said Section 4(5) is reproduced below :

"Nothing in this Section shall affect the right of an employee to receive better terms of gratuity under any award or agreement or contract with the employer".

31.6 It is seen that the Federation/Association have raised an issue which is covered by provisions of a specific and exclusive law relating to gratuity. When a workman is entitled to benefits in respect of any matter which is more favourable to him than those to which he would be entitled under the statute, he has to seek the remedy for the enforcement of the

rights through the machinery created under that Act. Persons wishing the enjoyment of such remedy and wanting its enforcement must secure the remedy provided by the Act itself. The said Act/Rules do provide remedy through specified authorities :—

* Controlling Authority—Ses. 2(d) of P.G. Act, 1972.

* Appellate Authority—Rule 2(b) of the P.G. (Central) Rules, 1972.

31.7 Keeping in view the above and the recent P.G. (Amendment) Act, 1994 raising the maximum amount of Gratuity to One Lakh from the earlier 50,000/- the aggrieved employees, if they feel they have a case, they are at liberty to take recourse to action under the Provisions of the P.G. Act, 1972 and the rules framed thereunder.

31.8 As the involved issue is covered by a specific enactment providing specified machinery for redressal, there is no scope for arbitration/adjudication on it. Hence I give no directions on this Point No. 9.

32. POINT NO. 10 Restoration of Commuted portion of Pension.

32.1 The Association under para 30(12) of its written statement has demanded that the commuted amount of pension be restored to the pensioner or his/her legal heirs after completion of 10 years from the date of retirement. In arguments, the Association relied upon the decision of the Supreme Court reported in 1987—1-SCR-497. It also relied upon the decision in the case of Bharat Petroleum Corporation Ex-Employees Association and Others Vs. Bharat Petroleum Corporation Ltd. and Others reported in 994 SLJ 104.

32.2 The Federation had enlisted its demands in paragraph 57 and 58 of the Statement of Claim dated 29-4-1992 which did not include this issue of restoration of Commuted portion of Pension. However, in written arguments dated 5-3-1994 the Federation had enlisted in para 51 their demands which fall in heads shown at (a) to (j) and the item (f) relates to "Pay back of the annuity value of Commuted Pension". In justification it cited the Bharat Petroleum case (mentioned above) where Pension is paid from Income Tax approved Pension Fund and the Supreme Court ordered similar pay back.

32.3 The Bank's only submission in the written statement as well as the written arguments has been that as the Commuted amount is always collected by the employee concerned at the time of his retirement, the demand is not clear. It also mentions that as far as receiving the capital sum is concerned it is for the employee to make an appropriate choice under the scheme. Nothing has been elaborated further.

32.4 The relevant rule relating to commutation contained in the Grindlays Bank Limited Indian Staff Pension Scheme (Amended upto July, 1989) M-42 is reproduced below :—

"19. Notwithstanding anything to the contrary contained elsewhere in the Rules, a beneficiary who may be entitled to a pension in accordance with the Rules may be allowed at the discretion of the Trustees to commute such pension PROVIDED THAT any payment in commutation shall

be made in accordance with the relevant provisions contained in the Income Tax Act, 1961 and the rules thereunder in force from time to time."

It is seen that pensioner can commute upto maximum of one third of the pension admissible to him.

32.5 Commutation brings about certain advantages. The commuting pensioner gets a lump sum amount which ordinarily he would have received in course of a spread over period subject, of course to his continuing to live. The two advantages are certainly forthcoming out of commutation :

- (1) availability of a lump sum payment; and
- (2) the RISK factor.

As the position now stands, when a pensioner commutes any part of his pension upto the authorised limit his pension is reduced for the remaining part of his life by deducting the commuted portion from the monthly pension. Around the period when an employee is to retire, he requires lot of money to clear his responsibilities in meeting the expenditure either already made or is to be made to construct/purchase a flat/house, to marry daughter(s)/to complete professional or other General or Technical education of children or to settle them in any profession. The lump sum he gets by commutation upto authorised limit is of an immense help to him. But this is at the cost of selling a part of his pension. How long can be manage his remaining life in the reduced pension ?

32.6 There has been a substantial improvement in the life expectancy of the people in India. In the changed situation prevailing in the country a new look is required to be given in the matter. The Supreme Court of India in its judgement dated 9th December, 1986 in Writ Petition No. 3958-61 of 1983 in Common Cause and others Versus Union of India (1987) I SCC 141 had observed that the pensioners who have commuted the admissible portion of their pension are entitled to have the commuted portion restored on the expiry of 15 years from the date of retirement. Based on this judgement, the Ministry of Personnel, Public Grievances and Pension of the Government of India released orders on 5th March, 1987 to the effect that such pensioners of the Central Government who had commuted a portion of their pension and on 1-4-1985 or thereafter have completed or will complete 75 years from their respective dates of retirement will have their commuted portion of pension restored.

32.7 The Reserve Bank of India Pension Regulations, 1990 came into force on the 1st November, 1990 (these Regulations apply to employees who were in service as on 1st January, 1986 with certain conditions). It contains in Regulation 30 the matter of commutation and provides that Commuted Portion of the pension will be restored after a period of fifteen years from the date of commutation. The Regulations are at Exhibit WA 24 and Annexure A to written arguments of Grindlays Bank.

32.8 The 58 member Banks of IBA including 12 foreign Indian Banks signed a Pension Settlement on 29th October, 1993 with AIBEA. A little later on 7th January, 1994 the BEFI also signed a settle-

ment with IBA endorsing the industry level settlement dated 29-10-1993. The term No. 12 of the Industry level Settlement provides that provisions will be made by a scheme to be negotiated and settled between the parties regarding inter-alia amount of pension, payment of pension, Commutation of Pension etc. on the lines as are in force in Reserve Bank of India. This shows how the matter relating to restoration of commuted portion of pension stands in Reserve Bank of India and concerned member banks of I.B.A.

32.9 In a recent judgement reported in 1993 II LLJ 689 and AIR 1994 S.C. 1304, the Supreme Court decided that the equitable principle underlying the rule for restoration of the commuted portion of the pension after the expiry of the 15 years from the date of retirement which is applicable to the Central Government employees should equally be applied to the employees of the Bharat Petroleum Corporation Ltd.

32.10 It may be argued that the restoration of the Commuted Portion of the pension issue is in the context of Government service, Reserve Bank of India and some Public Sector Undertakings like Bharat Petroleum Corporation and now taking shape in Public Sector Banks but I am of the view that there is not much difference on the basic concept of pension, commutation and its restoration whether in respect of Public or Private Sector. To keep pace with the developments on such matters relating to one's own employees is always a wise thing and helps build up good industrial relation with a base of healthy human relations. Restoration of commuted portion of pension is an act of good will to pensioners and to extend to them some measure of relief in the evening of their lives. The Federation's Association's demand on this score is justified hence I answer Point No. 10 in the affirmative.

32.11 I am aware, in the Grindlays Bank pension paid out of a pension fund governed by the Trust and it may be argued that in view of the limited resources in the fund, it may not be possible for it to bear the additional burden on account of the restoration of the commuted portion of the pension. The Bank has to pay from its earnings, if need be, in to the Pension Fund and merely because the existing pension fund is not adequate to bear the additional liability, the claim which I feel is otherwise justified cannot be rejected.

33.12 In view of the aforesaid facts and analysis. I feel it just and equitable to award that such of the Grindlays Bank employees who have commuted a portion of their pension and on 1st April, 1992 or thereafter have completed or will complete 15 years from their respective dates of retirement, will have their commuted portion of pension restored. The benefit of this restoration would thus be effective from April 1, 1992.

33. POINT NO. 11 Canteen Subsidy

33.1 The second issue referred to me for arbitration relates to quantum of Canteen Subsidy. The terms of reference can be conveniently one again set out here at this stage also :—

"Whether demand made by All India Grindlays Bank Employees Federation and All India Grindlays Bank Employees Association for enhancing the quantum of Canteen Subsidy over the existing amount is justified. If so to what relief the workmen are entitled?" (underlining is mine).

33.2 The respective contentions of the three involved parties have been detailed in the following paragraphs of this Award :

	Paragraphs
Federation	13.13 to 13.15
Association	14.11 to 14.12
Bank	15.33 to 15.37

33.3 In the Grindlays Bank Canteens exist only in two regions viz. Eastern and Northern where the Bank gives some subsidy. The canteens are managed with the initiative of the employees through Canteen Committees formed by the Employees Union. The Canteen Committee is responsible for the efficient running of the canteen, proper control and supervision of the canteen staff. The Bank provides space for operation, gas and electricity, furniture and equipment to the canteen.

33.4 Way back in 1965, certain terms for Canteen Subsidy were accepted by the AIN & G Bank Employees Union. In 1967 the Bank agreed to increase the Canteen Subsidy payable to canteen committee to the extent of Rs. 5 p.m. per member of the staff using the canteen with a minimum of Rs. 100.

33.5 In 1969, after a review, the Canteen Subsidy was increased to Rs. 6 p.m. per member with a minimum of Rs.100.

33.6 Later the subject of Canteen Subsidy formed part of an issue for adjudication before the National Industrial Tribunal, Bombay and in its award dated 29-8-1985 in reference No. NTB of 1980 it directed the revision of the Canteen Subsidy as follows (Exhibit WF 24) :—

Rs. 12/- from 1978
Rs. 18/- from 1981

33.7 Subsequently the issue came up for consideration in the year, 1987. A settlement was reached on 16-9-1987 between the Bank and the All India Unions according to which the Canteen Subsidy was increased to Rs. 30/- p.m. per member of staff using the Canteen, subject to a minimum of Rs. 250/- p.m. per branch. That settlement expired on 31-12-89. It is with reference to this last revised quantum that the Federation and Association want its enhancement as per the terms of reference before me.

33.8 The Federation in its written statement, besides increase in Canteen Subsidy wants the Bank to bear full liabilities with regards to cost of wages and other service conditions of the canteen employees. The Association has gone a step further and wants besides increase in canteen subsidy, the Bank to set up canteens where no canteen facility exists in its other centres and also to pay adequate monthly wages, medical expenses, Bonus, Uniforms, leave etc

Consideration of these additional demands will make me to traverse beyond the terms of reference to me from the only issue of enhancement of existing canteen subsidy. Moreover, the issue raised by the Grindlays Bank Ltd. Staff Canteen Karmchari Union, Calcutta has been referred to the CGIT Calcutta by the Government of India for adjudication on 18th August, 1982. The issue still pending before the said Tribunal relates to giving by the Bank wages and facilities to Canteen Employees as are available to other workmen of the Bank. Thus, other aspects relating to the Canteen employees which are not before me, are pending adjudication before the C. G. Industrial Tribunal, Calcutta.

33.9 I find from records that on the advice of the Chief Labour Commissioner (Central), New Delhi, the Regional Labour Commissioner (C) Calcutta used his good offices by helping the parties, even though the Central Government is not the appropriate Government for industrial dispute relating to Canteen employees to work out understanding/agreement on 7-12-1989 and later on 16-11-1990 (Annexures 'D' and 'E' of Bank's written arguments). This agreement was extended to canteens at Delhi also. If is the Bank's case that the Bank is expending Rs. 7.65 np per employee from 1-1-1990 as against the canteen subsidy of Rs. 30 p.m. agreed to by earlier settlement.

33.10 The Federation and the Association have however, demanded that Canteen Subsidy be increased as follows :

Federation	(Para 64 of Statement of Claim)
w.e.f.	1-1-1990 — Rs. 60/- p.m.
w.e.f.	1-1-1991 — Rs. 70/- p.m.
w.e.f.	1-1-1992 — Rs. 80/- p.m.

Association (Para 34(b) of Written Statement)
Rs.100 per month per employee.
Both the Unions have pleaded that present canteen subsidy is in sufficient in the light of the galloping rise in prices of all food items. They have further argued that the Canteen Subsidy is spent mostly for payment of wages to the canteen employees. As against their original demands in written statement of April/May, 1992 they later have demanded in verbal submissions that the quantum of canteen subsidy be sufficiently raised so that the employees get the benefit of proper food/snacks at the subsidised prices.

33.11 On the basis of the Federation and Association's pleadings and evidence and also keeping in mind the rise in prices since January, 1990 I find that there is justification for increasing the quantum of canteen subsidy, hence Point No. 11 is answered in the affirmative.

33.12 I therefore, award that the canteen subsidy be increased as follows :—

From 1st January, 1990—Rs. 100/- p.m. per employee. (Rupees One Hundred only)

From 1st January, 1992—Rs. 110/- p.m. per employee. (Rupees One Hundred & Ten only)

From 1st January, 1994—Rs. 120/- p.m. per employee. (Rupees One Hundred & Twenty only)

34. Accordingly the 11 points are disposed of in terms as hereinabove indicated. As regards other matters issued made out by the Federation and/or Association in their Statements of Claim, rejoinders and written arguments but not included and dealt with in Paragraphs 21 to 33 (including sub-paragraphs), I feel the same are not germane or relevant to the two terms of reference to Arbitrator, hence do not call for any directions, I order accordingly.

35. DATE OF EFFECT OF THE AWARD

35.1 The Federation in its Statement of Claim in para 57.8 has demanded that benefits against seven items be given effect to from 1st July, 1987. It however, has submitted in its written arguments (Para 67) that as per long established service condition, the date of retrospective effect is co-terminus with the expiry date of the previous settlement. The last settlement dated 5-3-1986 was to be in force till 31-12-1989 and the Interim Settlement was signed in November, 1990 effective from 1-12-1990 hence the benefits that may accrue in this Award be made applicable from November, 1990.

35.2 The Association, in its written arguments in para 96 has pleaded that from times immemorial, the retrospective date is a continuous affair. The character of an Interim Settlement dated 20-11-1990 can only be replaced by a final settlement or Award. The benefits that may accrue to the workmen/pensioners should be made applicable retrospectively taking into consideration a host of changes which have taken place in the intervening period in the entire Industry. It has also to be noted that the Standard Chartered Bank had increased the pension at their own with effect from 1-1-1991. The Interim Settlement, being effective from 1-12-1990; further benefits should obviously be from that day only.

35.3 The Bank, in para 38 of its written statement has submitted that the reference be answered in their favour by holding that there is no justification for allowing various demands raised by the Federation and Association on pension as well as the canteen subsidy. In short, it means there being no question of any further benefits no effective date is involved. In para 153(d) of its written arguments the Bank however, attacking the demand of the Federation on this aspect, submits that the effective date suggested by the Federation can not be accepted as the last Settlement dated 5-3-1986 expired only on 31-12-1989.

35.4 To be candid, there is no vested right in any party as to from what particular date the award should be given effect to. It is on a consideration of the totality of circumstances-such as how long the previous Settlement/Award had been in force; whether the demand of the workmen was exaggerated or reasonable; whether avoidable adjournments were sought for may be due to genuine reasons or with intention to get the proceedings prolonged with invisible motive; raising flimsy objections and insisting for orders on the same involving time and creating hurdles in the expeditious handling of the proceedings by the Arbitrator/Adjudicator; that the

date from which the award is to be given effect to is fixed. Besides the immediate and later annual financial burden which the award is likely to cast upon the employer could also be one of the relevant considerations.

35.5 As is seen, in adjudication or arbitration, the employers generally feel erroneously that the adjudicators or arbitrators have no jurisdiction to make the award operative retrospectively unless there was an industrial dispute raised as regards the date from which relief should be given by means of an award and such a dispute was referred to the adjudicator/arbitrator. This view is not tenable. In this connection, a reference may be made to the provisions contained in Section 17-A of the Industrial Disputes Act, 1947. Section 17-A, to the extent that it is relevant, provides as under :

"17-A (4) Subject to the provisions of Sub-Section (1) and Sub Section (3) regarding the enforceability of an award, the award shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall come into operation on the date when the award becomes enforceable under Sub-Section (1) or Sub-Section (3), as the case may be."

Hence, I have to consider the date from which this Award should come into operation.

35.6 In the light of the details of the entire case, there could be 8 (eight) different dates for consideration for the purpose. These are chronologically given below :

S. No.	Date	Event in brief
1	2	3
1.	1-1-1990	Expiry of the last settlement dated 5-3-1986.
2.	20-11-1990	Date of Interim Settlement.
3.	01-12-1990	Interim Settlement Clipping effective from.
4.	20-02-1992	Date of Arbitration Agreement U/S 10-A of the Industrial Disputes Act, 1947.
5.	06-03-1992	Date of release of Government notification for publication of Arbitration Agreement.
6.	11-03-1992	Date when Government order received by Arbitrator and he got authority.
7.	18-05-1994	Hearings by Arbitrator concluded.
8.	26-09-1994	Submission of this Award by the Arbitrator to Government U/S 10-A (4) of the Industrial Disputes Act, 1947.

35.7 On 20th November, 1996 the parties came to an understanding and they signed the Conciliation Settlement before the Dy. Chief Labour Commissioner (Central), Now Delhi. In this settlement they agreed to certain ceilings in pension for Sub-Staff and clerical staff. And they agreed those ceilings with effect from 1-12-1990. The benefits accruing to the employees in clauses (2)

and (3) were to be treated as interim. Obviously these related to amounts of ceilings. They had agreed to await final award of the Arbitrator to whom the entire matter regarding payment of pension was to be referred. The terms of reference to be made to Arbitrator enclosed to clause (1) of the Settlement as well those incorporated in the arbitration agreement U/S 10-A of the Act on pension mention only about "upward revision of Pension and allied matters". These do not even hint about any difference/dispute on the date from which the revision was to be effective. Hence it is clear, the Federation and Association had given a go by to their stand of 'retrospective effect being co-terminus' with the previous settlement. Thus, having agreed for interim settlement's benefit from 1-12-1990, the dates mentioned at Sr. No. 1 and 2 above are of no avail.

35.8 Having once signed the Interim Settlement on 20-11-1990, the parties exhibited inertia for exactly 1 year 3 months and they signed the Arbitration Agreement only on 20th February, 1992, which the Government released for Publication on 6-3-1992 and the arbitrator assumed powers on 11-3-1992 when he received the said order of the Government. These three dates at Sr. Nos. 4, 5 and 6 are in close proximity. The retirees from 1-11-1987 onwards had been availing of the benefits of ceilings as agreed to by the Federation and the Association with effect from 1-12-1990. Their case for upward revision has met with success as can be seen from Point No. 5 in paras 27 to 27.12, only the date from which the upward revision benefit and other benefits be given, remain to be considered.

35.9 The Bank had been giving increases in pension periodically, the last such increase being in November, 1990. Having considered very carefully all aspects of the matter and particularly the fact that Arbitration Agreement having been signed only in February, 1992, the nearest reasonable date could be January, 1992. That being so, the question of considering dates at Sr. Nos. 7 and 8 above would not arise. Hence in my view, it would be fair and just if I direct that the 1st January,

1992 is the date from which effect should be given to this Award save as otherwise expressly provided in this Award (as ordered, the benefit in Point No. 10 'restoration of commuted portion of pension' in para 32.12, will be effective from 1st April, 1992).

35.10 The benefits awarded to the past pensioners including those who retired even prior to 1-9-1978 have to be worked out after referring to pretty old records before arranging and effecting payments as directed, though number of such beneficiaries and other retirees benefited by this Award may not be that large, hence the Bank is directed to pay the dues/arrears on or before 31st December, 1994.

CHAPTER VI

36. ACKNOWLEDGEMENTS

In the end, before I close my award, I wish to acknowledge the great help and assistance received by me at the hearings of the Reference from the representatives of the parties appearing before me. I am thankful to them from the dignity and decorum with which the proceedings were conducted and for the high intellectual level that was maintained throughout the proceedings which commenced at Bombay on 7-4-1992 and concluded there only on 18-5-1994 that is for a little over 2 years and 1 month. All of them worked hard and for long to place the respective points of view of the parties before me. But for their assistance, I would not have been able to do justice to the matter. I also desire to record my appreciation to the services rendered to me by the concerned local officers and Secretarial staff of the Bank at Bombay, Calcutta and New Delhi. I must also make mention of the considerable help and unstinted cooperation I received ungrudgingly from Mr. Suresh P. Nehete, a local Stenographer.

NAGPUR

26th September, 1994.

H. G. BHAVE, Jr. Chief Labour Commissioner
(Central)-Retd. & Arbitrator

Reference : Arbn. 1/1992

APPENDIX 'A'-I

LIST OF DOCUMENTS PRODUCED/MARKED DURING THE MAIN ARBITRATION PROCEEDINGS

List of documents on the side of the Employer-Bank

Dt. when filed/sent.	Exhibit No.	Description in brief
1	2	3
29-5-92	M.1	Grindlays Bank Ltd.—Indian P.F. Deed of Trust and Rules, 1976.
	M.2	Indian Staff Pension Scheme—Trust Deed and Trust Rules—July 1976.
	M.3	Indian Staff Pension Scheme Trust Deed and Trust Rules, July, 1986.

1	2	3
	M.4	Grindlays Bank—Award Staff Widow and Children's Pension Plan.
	M.5	Old age, Invalidity and Survivors Pension Scheme in Asia and Pacific.
	M.6	Grindlays Bank Plc—Indian Staff Gratuity Scheme—Trust deed and Trust Rules. —September, 1989.
	M.7	A.I. I.T. Award—Shastry Award.
	M.8	Balance sheet 1989-90.
	M.9	5th Bipartite Settlement 10-4-89
	M.10	4th Bipartite Settlement 17-9-84
	M.11	N.I.T. Award—Desai Award
	M.12	Hongkong & Shanghai Banking Corp. Clerical & Subordinate Staff—Pension & Gratuity Fund.
	M.13	Standard Chartered Bank Employees' Pension Fund—Trust Deed and Trust Rules.
	M.14	Citibank N.A. Trust Deed.
	M.15	Citibank N.A. Rules for Award Staff Pension Fund—Indian Branches.
	M.16	American Express Bank Limited—India Pension Fund.
	M.17	The State Bank of India Employees' Pension Fund Rules.
	M.18	Allahabad Bank—Pension Rules as at 1st January, 1974
	M.19	Definition of Pensionable Salary in other foreign Banks.
	M.20	Pension Benefits in other foreign Banks.
	M.21	Government Notification dated 6-3-1992.
	M.22	Settlement between Standard Chartered Bank and A.I.S.C.B Employees' Federation—19-11-1990.
	M.23	Settlement dated 12th July, 1985.
	M.24	Settlement dated 5th March, 1986.
	M.25	Settlement dated 16th November, 1990.
	M.26	Settlement dated 3rd December, 1983 between City Bank NA and Workmen.
	M.27	Minutes of meeting dated 6-12-1989.
	M.28	Minutes of conciliation meeting dated 4-12-1990.
	M.29	Minutes of conciliation proceedings held on 19th and 20th November, 1990 between Grindlays Bank, Federation Association.
	M.30	Income Tax Act, 1961
	M.31	Recognised Provident Funds.
	M.32	Algemene Bank Nederland N.V. Gratuity Fund Deed of Variation.
	M.33	Agreement between the management of Banque Nationale De Paris and A.I French Bank Employees Coordination Committee.
	M.34	The Hongkong and Shanghai Banking Corporation Limited—Memorandum of Settlement.
	M.35	Pension and Retirement Allowance Part-I—Rules covering Pension to Asia and African Staff.
	M.36	C.B.D.T. Circular F. No. 35/26/64 I.T.(B) dated 25-5-1964.
		Breakup of Subsidy given to the Canteen Committee.

1	2	3
12-8-92 (on Arbitrator's Direction Dt. 28-7-92	M.37	Association's letter to CMO Calcutta dated 31st January, 1983.
	M.38	Bipartite Settlements between certain Banking Companies represented by I.B.A. & their workmen (1966 to 1979).
	M.39	Table from the L.I.C. showing Annuity rates 1-4-1986 to 31-3-1991 and from 1-4-1991.
5-1-1993 (on Arbitrator's Direction Dt. 21-12-92	M.40	Unfunded Liability for Pension and Gratuity & Certificate from the Actuary (8 sheets).
	M.41	P/L Acct. and Balance sheet as on 31-1-90, 31-3-91/31-3-92.
	M.42	G.B. Ltd. I.S.P.S. & Trust Deed and Trust Rules—July, 1986.
	M.43	Balance sheet and Income Expn. Account of the Trust for year ending 1990 (audited)—31-12-90.
	M.44	Balance Sheet and Income Expn. Account of the Trust for F/Y ending 1992 (unaudited)—31-3-92.
	M.45	Photo Copy of Master Policy No. 22349 dt. 21st January, 1981 of Life Insurance Corporation of India.

APPENDIX 'A'—II

List of documents on the side of Workmen—A.I.G.B.E. Fedn.

Dt. when filed/sent	Exhibit No.	Description in brief
1	2	3
27-7-1992	W.F.1	Conciliation Settlement dt. 17-10-63 between National & Grindlays Bank Karachi and the Union.
	W.F.2	Conciliation Settlement dt. 2-11-63 between N & G Bank, Decca and the Union
	W.F.3	Conciliation Settlement dt. 9-4-89 between Grindlays Bank, Pakistan and the Federation/Unions.
	W.F.4	Bank's Opinion letter dt. 17-12-57 with Annex. Ref. Pension.
	W.F.5	Copy of Bank's Finance letters 86/40 dt. 30-9-48 and 87/40 dt. 18-12-49 ref. increase in D.A. on Pension.
	W.F.6	Copy of Bank's letter dt. 10-12-63 addressed to the Federation —reference increase in Pension.
	W.F.7	Copy of Bank's letter dt. 28-10-70 addressed to the Federation reference increase in Pension.
	W.F.8	Copy of Federation's letter dated 20-2-73 regarding Pension Fund.
	W.F.9	Copy of Bank's letter dt. 28-3-73 addressed to the Federation regarding increase in D.A. on Pension.
	W.F.10	Copy of Bank's letter dt. 25-4-73 addressed to Fedn—D.A. on Pension.
	W.F.11	Copy of Federation's letter dt. 5-4-77 addressed to Bank on retirement Benefits.
	W.F.12	Conciliation Settlement dt. 8-10-88 on Pension increase in Chartered Bank.

1	2	3
	W.F.13	Copy of Resolution dt. 7-1-92 adopted in Standard Chartered Bank increasing Pension & amending Rules.
	W.F.14	Copy of Agreement dated 20-8-79 on Pension etc. reached in Mercantile Bank now known as Hongkong Bank.
	W.F.15	Copy of Settlement dated 28-12-82 on Pension—Mercantile Bank.
	W.F.16	Copy of Settlement dated 3-3-89 on Pension—Honkong Bank.
	W.F.17	Copy of Settlement dated 3-2-90 Hongkong Bank.
	W.F.18	Unit Trust of India—Children's Gift Growth Fund 1986.
	W.F.19	Copy of Bank's advise dated 1-10-90 to A. Gupta about Gratuity credited to his Bank Account.
	W.F.20	Copy of Bank's advise dt. 1-10-90 to R.I.N. Danait about terminal Benefits credited to his account.
	W.F.21	L.I.C. letter dated 6-8-85 addressed to privately administered Pension Funds.
	W.F.22	S.B.I. Circular dated 19-12-88 regarding Payment of D.A. on Pension.
	W.F.23	Government Notification dated 21-10-87 publishing Award of CGIT Bangalore in reference No. 54/87.
	W.F.24	Copy of Gazette of India dt. 30-11-85—Award of NIT in reference NTB/1980.
12-8-1992	W.F. 25	Grindlays Bank's Calculations sheet on Pension.
	W.F. 26	Hongkong Bank's Calculations sheet on Pension and Gratuity.
	W.F. 27	Standard Chartered Bank's Calculation sheet on Pension/Gratuity.
	W.F. 28	Grindlays Bank's circular letter dated 30-6-92.
	W.F. 29	Standard Chartered Bank Officers Pension Fund Trust Deed and Rules.
	W.F. 30	ANZ Australian staff super annuation scheme. —Annual report for Y/E 31-12-91.
14-9-1992	W.F. 31	S.B.I.—Circular No. 50 of 1988 on Pension/Family Pension.
	W.F. 32	S.B.I.—Circular No. 67 of 1988.
	W.F. 33	S.B.I.—Circular No. 17 of 1990.
	W.F. 34	S.B.I.—Circular No. 17 of 1991.
	W.F. 35	S.B.I.—Circular PER/KCL/86 of 1991 on DA relief to Pensioners.
	W.F. 36	S.B.I.—Circular PER/KCL/91 of 1991 on D.A. relief on Pension.
	W.F. 37	Statement compiled on definition of Pensionable Salary in different banks.
	W.F. 38	Statement compiled on Formula for calculating pension in different Banks.
24-9-1993	W.F. 39	ANZ UK Staff Pension Scheme—Circular s dt. 8-1-93 and 6-2-1992.

APPENDIX 'A'—III

Workmen—A I G B E Association

Dt. when filed/sent	Exhibit No.	Description in brief
1	2	3
28-5-1992	W.A. 1	Memorandum of Bipartite Settlement dated 12th July, 1985 reached between the Bank and A I G B E Association.
	W.A. 2	Indian Staff Pension Scheme—Trust Deed and Trust Rules as approved by Commissioner of I.T. on 27-9-76.
	W.A. 3	Rules governing Pension to Asian and African Staff.
	W.A. 4	Bank's letter dated 4-10-67 regarding alterations in Banks Pension Rules extracts.
	W.A. 5	Revision of Pension and Old Pensions—Extract from settlement dated 16-9-70.
	W.A. 6	Bank's letter (extract) dated 28-10-1970 regarding increases to pensioners w.e.f. 1-11-1970.
20-5-1992 (with written statement)	W.A. 7	Memorandum of Conciliation Settlement dated 5-3-86 reached before Jt. C.L.C. (C) New Delhi.
	W.A. 8	Memo of Conciliation Settlement dated 20-11-90 reached before Dy. C.L.A.(C) New Delhi.
	W.A. 9	A.I.G.B.E. Association note dated 17-4-1989 giving proposals for amendments or revision of settlement dated 5-3-86 regarding scheme/formula for payment of pension and Gratuity.
27-7-1992	W.A. 10	A.I.G.B.E. Associations petition dt. 27-7-92 with copies of Group Medical Benefits Surgical and Hospital Expenses Policy and salient features of the medical Insurance policy covering all the Management Staff.
22-2-1993	W.A. 11	Bank's calculation sheet of pension in respect of 29 pensioners and two pension disbursement sheets.
	W.A. 12	S.C.B. Calculation sheet of Pension/Gratuity—Mr. Karkera
	W.A. 13	S.C.B. Calculation sheet of Pension/Gratuity—Mr. John Peace.
	W.A. 14	Settlement dt. 3-2-90 on Pension—Hongkong bank.
	W.A. 15	Settlement of dt. 8-10-88 on Pension—Chartered bank.
	W.A. 16	Letter from Secretary S.C.B. Officers Pension Fund dt. 20-9-91 regarding increases to the existing vested Group Annuities.
	W.A. 17	Copy of resolution dated 7-1-92 adopted increasing pension and Pension Rules in S.C.B.
	W.A. 18	Copy of resolution dt. 7-1-92 adopted by S.C.B.E. Pension Fund in modification of resolution adopted on 7-1-92.

1	2	3
	W.A. 19	M/Personnel Public Grievances and Pensions O/M dt. 5-3-87 regarding restoration of Commuted portion of Pension.
	W.A. 20	I.S. Provident Fund advice from N.O. and Grindlays Bank Ltd. London dt. 27-7-55 and 30-1-58 to Shri Sayal.
	W.A. 21	MFD-I-CLAIM Prospectus Hospitalisation and Domiciliary hospitalisation Benefit
	W.A. 22	Statement of A.I.C.P.I. for Industrial workers from 1971 to 1992, base 1960 = 100.
23-9-1903	W.A. 23	Minutes of Bipartite discussions between I.B.A. and A.I.B.E.A. in respect of introduction of Pension in the Banking Industry.
	W.A. 24	A copy of R.B.I. Pension Regulations 1990 and current Dearness Relief Chart from 1-1-90 to 31-1-1991.

TOTAL DOCUMENTS FILED

I	... 45 Nos.
II	... 39 Nos.
III	... 24 Nos.
	108 Nos.

APPENDIX-'B'

Reference : Arbn 1/1992

LIST OF PERSONS WHO APPEARED BEFORE THE ARBITRATOR TO TENDER EVIDENCE
ON AFFIDAVIT(S) AND WERE CROSS-EXAMINED DURING THE MAIN ARBITRATION

PROCEEDINGS

Name	Witness No.	Affidavit dated	Cross Examination		
			Date	Place	By
1	2	3	4	5	6

FOR WORKMEN

On behalf of : A.I.G.B.E. Federation.

Shri P.N. Subramanyan F.W 1 (1) 12-9-92 30-1-93 Bombay Bank

(2) Suppl Affidavit 28-1-93

1. Further affidavit dt. 12-4-93 filed by Shri Subramanyan on 17-4-93 with Adv. N.A. Dalvi's opinion was rejected to be taken on record vide Arbitrator's order dated 6-5-93.

1

2

3

2. Shri Subhash Ganguly
appeared as F.W. 2 on
24-5-93 merely to
file a statement con-
taining opinion of
Adv. N.A. Dalvi dated
15-1-93.
—Not permitted to be
taken on record
vide order dated 6th
September, 1993.

A.I.G.B.E. Association.

Shri Rajinder Sayal	A.W.1	20-2-93.....	22-2-93	New Delhi	By Bank and Federation
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FOR BANK

ANZ Grindlays Bank Plc

1. Shri Ramesh Venkat	M.W.1	10-6-93	24-6-93 29-7-93	Calcutta New Delhi	By Fedn. By Asso.
2. Shri N V. Srinivasan	M.W.2	14-6-93	25 and 26-6-93 29-7-93	Calcutta	By Fedn.
3. Shri C.S. Thanky	M.W.3	21-7-93	30-7-93	New Delhi New Delhi	By Asso. Both by Fedn., Asso.
4. Shri Bhudev Chatterjee	M.W.4	1. 23-6-93..... 2. 9-7-93 (Suppl. Affd.)	24-9-93 25-9-93 11-10-93 28-10-93	Calcutta -do- -do- New Delhi	By Fedn. } By Asso.

TOTAL WITNESSES SIX ONLY

मई दिल्ली, 29 सितम्बर, 1994

का.आ. 2892.—ग्रौवोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम/एम टेलीकाम सनारेंडी (ए.पी.) के प्रबंधताल के सबंद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्रौवोगिक विवाद में ग्रौवोगिक अधिकरण आन्ध्र प्रदेश के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-94 को प्राप्त हुआ था।

[संख्या एन-40012/140/89-आईशार(डी पू)]

के.वी.बी. उन्नी, डैम्स अधिकारी

New Delhi, the 29th September, 1994

S.O. 2892.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Andhra Pradesh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Telecom., Sangareddy and their workmen, which was received by the Central Government on 29-9-94.

[No. L-40012/140/89-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L. Industrial Tribunal

Dated : 17th day of September, 1994

Industrial Dispute No. 46 of 1990

BETWEEN

The Workman of Telecom,

Sangareddy, Medak Dist. (A.P.) —Petitioner.

AND

The Management of M/s. Telecom,

Sangareddy, Medak Dist. (A.P.) —Respondent.

APPEARANCES :

Sri C. Suryanarayana, Advocate for the Petitioner
M/s. M. Panduranga Rao & B. G. Ravinder
Reddy, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-40012/140/89-IR(DU), dated 25-9-1990 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of M/s. Telecom, Sangareddy (A.P) and their Workmen to this Tribunal for adjudication :

"Whether the action of Management of M/s. Telecom, Sangareddy (A.P.) represented by their Sub-Divisional Officer in terminating the services of Sh. Md. Salemudin, Casual Mazdoor is justified ? If not, to what relief the workman concerned is entitled ?"

This reference was registered as Industrial Dispute No. 46 of 1990 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the petitioner workman read as follows :

The petitioner's claim in the complaint to the Regional Labour Commissioner (C) at Hyderabad that he has been employed for 360 days during the period from 1-4-1986 to 31-3-1987 has not been disputed by the Respondents during the conciliation proceedings. They have also not disputed the fact that the petitioner was terminated on and from 1-4-1987 without notice and without complying with any other provisions of the I. D. Act, 1947 but employed him again w.e.f. 1-1-1988 to 31-3-1988. In fact, the applicant was employed for 30 days in April, 1988 and for 29 days in June, 1988 but not in the month of May 1988. He was finally retrenched (a second time) w.e.f. 1-7-1988 on the ground that the former Director General, P&T New Delhi prohibited recruitment and employment of Casual Mazdoors after 30-3-1985. But that order prohibiting recruitment and employment of Casual Mazdoors after 30-3-1985 has been declared to be invalid by the judgement dt. 4-5-1988 in C.A. No. 529 of 1988 of the Principal Bench of the Central Administrative Tribunal in view of the decision in DAILY RATED CASUAL LABOUR JN P&T SERVICES v. UNION OF INDIA AND OTHERS (AIR 1987 SC 2342). Further the Petitioner submits that in view of the order contained in the Department of Telecommunications dt. 7-11-1989 he is entitled to conferment of Temporary status with all its attendant benefits pending his absorption and regularisation in the Telecom Department. The petitioner also submits that in view of the fact that he was again engaged in works w.e.f. 1-1-1988 after his retrenchment on and from 1-4-1987 the period during which he was kept out of service (i.e. from 1-4-1987 to 31-12-1987) should be treated as duty for all purposes and he

should be paid wages for the same. In view of the foregoing, the Petitioner submits that his retrenchment is illegal, and that he is entitled to full wages during the periods from 1-4-1987 to 31-12-1987, during May 1988 and also during the period from 1-6-1988 onwards till his reinstatement in service with protection of seniority on the basis of the year of his recruitment keeping in view the provisions of Section 25-B of the I.D. Act. The petitioner prays that this Hon'ble Tribunal may be pleased to hold accordingly and make the award directing that the petitioner be reinstated in service with full back wages as claimed by him with protection of seniority among 'Casual' mazdoors of Sangareddy Division for the purpose of his absorption and regularisation in the Telecom Department according to his turn in the seniority list and also for confirmation of temporary status and attendant benefits pending his absorption and regularisation.

3. The brief facts of the counter filed by the Respondent read as follows :—

It is submitted that the petitioner was engaged as Casual Mazdoor under the Respondents in the month of April, 1986 and he was given employment as casual mazdoor till April 1987 depending upon the availability of work. That casual labour is engaged for construction of overhead lines, cable laying etc. which is not a permanent feature. That as and when these works are not there, the services of casual labour will be discontinued. The departmental works are not available w.e.f. 1-4-1987. However he was engaged for 59 days during the period from April, 1988 to June 1988. That in case of casual mazdoor, the question of termination of their services does not arise as the work they undertake itself is of casual nature. That the casual labour have to approach the authorities and enquire for engagement as casual labour. Inspite of clearly informing the petitioner that his services would be utilised as and when the work was available, the petitioner raised the present industrial dispute. That the petitioner is neither retrenched nor terminated as alleged by him. That the petitioner in all worked for 270 days from April to December 1986 and 90 days from January to March 1987 at Telephone Exchange, Zahirabad. He was not engaged from April, 1987 to March 1988 as there was no work. However he was re-engaged for 59 days during the period from April 1988 to June, 1988. It is submitted that the Petitioner could not be re-engaged from July 1988 for want of work. That disengagement for want of work cannot be termed as termination of his services. Termination is not violation of Section 25(F) of the I.D. Act. It is submitted that Section 25(F) of the I.D. Act is not at all applicable to the

Casual labour as they are an excluded category. It is submitted that the judgement cited by the petitioner are not at all applicable to the facts and circumstances of the case. The claim of the petitioner is time barred and there are no merits in it. Hence it is prayed that the Hon'ble Tribunal may be pleased to pass an Award that the petitioner is not entitled to any relief.

4. The point for adjudication is whether the action of the Respondent in terminating the services of Sri Md. Saleemuddin is justified ?

5. P.W1 was examined on behalf of the Petitioner-workman and marked Ex. W1 to W8. M.W1 was examined on behalf of the Respondent and no exhibits were marked.

6. P.W1 is one Mohd. Saleemuddin. He deposed that he was engaged by S.D.O. T. Zaheerabad from 1-4-1986 to 31-3-1987 as Watchman. From 1-4-1987 he was disengaged by the Respondent. For his termination they have not given any reasons. Again he was engaged by the Respondent from 1-1-1988 to 30-4-1988. After termination his service, he made oral representation to the management for providing employment to him. But they did not provide. The Respondent used to pay Rs. 11.00 per day to him. At the time of his termination, the Respondent neither issued one month's notice nor paid one month's salary in lieu of notice. After failing his efforts he approached this Hon'ble Tribunal for consideration. So he prays this Hon'ble Tribunal to direct the respondents for his reinstatement with all consequential benefits. He was engaged by the Respondent for a period of 450 days in his service.

7. M.W1 is M. Prakasham. He deposed in brief that he is working at Sangareddy for the last 15 years. The petitioner was engaged for the works of erection of poles and cable laying. The works are only temporary in nature and it is not continuous. The petitioner was informed before his engagement that the work for which he was engaged is only of temporary work as soon as the work is completed, he was automatically disengaged. Accordingly the petitioner was disengaged after completion of works in March 1986. The petitioner was again engaged in April, 1988 and June 1988. As there was no fresh work available, the petitioner was not engaged. No junior or fresh candidate than to the petitioner was engaged. They are ready to engage the petitioner if sufficient work is available. The petitioner was disengaged by the Respondent 6 years back. In these 6 years, there are works in the Division where they engaged seniors than the petitioner. But there is no record at present to prove that seniors to the petitioner were engaged. The first spell of his engagement, the petitioner was engaged for 365 days. Ex. W8 is the D. G., P&T's letter dt. 1-10-1984 No. 269/130/78-STN. The letter is showing that any casual mazdoors who are engaged for atleast total period for 240 days shall be served an notice after one month before termination of their services, or one month wages in lieu thereof, be paid. I am not acquainted entire facts of this case. There are no arrears to be paid to the petitioner-workman. In his division at present they are giving work to the contractors on costs of the mazdoors.

8. The case of the petitioner workman is that the petitioner has been employed for 360 days during the period from 1-4-1986 to 31-3-1987, that the petitioner was terminated on and from 1-4-1987 without notice and without complying with any other provisions of the I.D. Act but employed him against w.e.f. 1-1-1988 to 31-3-1988. In fact the petitioner workman was employed for 30 days in April, 1988 and for 29 days in June, 1988 but not in the month of May 1988. He was finally retrenched w.c.f. 1-7-1988 on the ground that prohibited recruitment and employment of Casual Mazdoors after 30-3-1985, that in view of the orders contained in the Department of Telecom dt. 7-11-1989 he is entitled to conferment of Temporary Status with all its attendant benefits pending his absorption and regularisation in the Telecom Department, that he was again engaged in works w.e.f. 1-1-1988 after his retrenchment on and from 1-4-1987, the period during which he was kept out of service should be treated as duty for all purposes and he should be paid wages for the same.

9. The contention of the Respondent on the other hand is that the petitioner was engaged as casual mazdoor in the month of April, 1986 and he was given employment as casual mazdoor till April 1987, that he was engaged for construction of overhead lines, cable laying etc. which is not a permanent feature, that the departmental works are not available w.e.f. 1-4-1987, that however he was engaged for 59 days from April 1988 to June 1988, that inspite of clearly informing the petitioner that his services would be utilised as and when the work was available, the petitioner raised this industrial dispute, that the petitioner is neither retrenched nor terminated as alleged.

10. In this case it is seen that the petitioner workman was engaged as casual mazdoor from April 1986 to April 1987 depending upon the availability of work. It is also observed that casual labourers are engaged for construction of overhead lines, cable laying etc. and it is not a permanent feature. It is also seen that the services of casual labour will be discontinued as soon as the works are completed. It is further seen that in case of casual mazdoor, the question of termination of their services does not arise as the work they undertake itself is of casual nature. Whenever the casual labour are engaged, they are informed that their services would be utilised as and when the work was available. So I find that disengagement for want of work cannot be termed as termination of his services, and hence it is not violation of Section 25(F) of the I.D. Act as this Act is not applicable to the casual labour as they are an excluded category. It is pertinent to note that the petitioner was disengaged by the Respondent Telecom about six years back. Having considered the entire material available on record, I find that the petitioner workman was engaged for the works of erection of poles and cable laying, that the works are only temporary in nature and it is not a continuous one. It is also clear that whenever the petitioner was engaged, the work for which he was engaged is only for temporary work and as soon as the work is completed, he will automatically be disengaged. Since there was no fresh work available, the petitioner workman was not engaged and that disengagement cannot be termed as

termination, I am of the clear view that the action of the Respondent Management in terminating the services of the petitioner workman is perfectly justified and the petitioner-workman is not liable to be reinstated into service or claim for conferment of temporary status and hence there are no merits in the case of the petitioner workman.

11. In the result, the action of the Management of M/s. Telecom, Sangareddy (AP) represented by their Sub-Divisional Officer in terminating the services of Sh. Md. Saleemuddin, Casual Mazdoor is justified. The concerned workman is not entitled to any relief.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 17th day of September, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for the Respondent|Management
M.W1 M. Prakasam.

Witnesses Examined

for the Petitioner]

Workman :

W.W1 Md. Saleemuddin.

Documents marked for the Petitioner|Workmen

Ex.W1 30-3-85 Xerox copy of Circular of the Respondent.

Ex.W2 7-11-89 Xerox copy of proceedings of Respondent as per orders No. 269-10/89-STN.

Ex.W3 12-5-89 Copy of the Representation of the Workman addressed to the Regional Labour Commissioner (C).

Ex.W4 18-5-89 Xerox copy of parawise remarks submitted by the Respondent.

Ex.W5 31-8-89 Xerox copy of parawise remarks comments submitted by the representative of the petitioner.

Ex.W6 31-10-89 Copy of the Conciliation Report.

Ex.W7 Xerox copy of statement showing the number of working days by the petitioner.

Ex.W8 1-10-84 Xerox Copy of Notice of termination in respect of casual daily rated mazdoor in the P&T Department.

Documents marked on behalf of Respondent|Management :

NIL

Sd/-
Industrial Tribunal-I

नई विल्ली, 29 सितम्बर, 1994

का.आ. 2893-ग्राम्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस डी ओ टैनीकाम धर्मवाराम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ग्राम्योगिक विवाद में ग्राम्योगिक अधिकरण, आनंदा प्रदेश के पंजपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-94 को प्राप्त हुआ था।

श्रमा एन-40012/274/91-आई आर (डी पु)

के.वी.वी. उन्नी, डैस्क अधिकारी

New Delhi, the 29th September, 1994

S.O. 2893.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Andhra Pradesh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.D.O., Telecom, Dharmavaram and their workman, which was received by the Central Government on 29-9-1994.

[No. L-40012/274/91-IR(DU)]

K. V . B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :—

Sri Y. Venkatachalam, M.A.,B.L., Industrial Tribunal-I.

Dated : 22nd day of September, 1994

Industrial Dispute No. 11 of 1993

BETWEEN

Sri M. Channakesavulu, S/o Padramanna, Kutagulla, P.O. (Via) Kadiri-515591 Ananthapur District. . .PETITIONER

AND

1. The Sub-Divisional Officer, Telecom, Dharmavaram-515672.
2. The District Manager, Telecom, Ananthapur-515050. RESPONDENTS

APPEARANCES :—

Sri C. Suryanarayana, Advocate for the Petitioner.

Sri P. Damodar Reddy, Advocate for the Respondents.

AWARD :

The Government of India, Ministry of Labour, by its Order No. L-40012/274/91-IR(DU), dt. 17-1-1993 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of S.D.O., Telecom,

Dharmavaram and their workman to this Tribunal for adjudication :

"Whether the action of the management of M/s. Sub-Divisional Officer, Telecom, Dharmavaram is justified in terminating the services of Sri M. Channakesavulu w.e.f. 1-1-1990? If not, what relief he is entitled to?"

This reference is registered as Industrial Dispute No. 11 of 1993 and notices were served to both the parties

2. The brief facts of the claim statement filed by the Petitioner-workman read as follows :—When the petitioner came to know that the 1st Respondent was recruiting Casual Labour, he offered to work as a Casual Mazdoor, and enrolled him as a Casual Mazdoor w.e.f. 1-2-1989. The petitioner was employed on various works showing his name in M/s issued to Sri P. M. Vecranna, LI(P) Ananthapur and T. Narasimhulla. SI(T) Kadiri from 1-2-1989 to December 1989 for a total of 237 days. The petitioner submits that he was not granted paid weekly offs in all months except in April and July 1989. He is entitled for 4 weekly offs each in March, June, August and December 1989 and for 3 weeks offs in October, 1989. Thus, he must be deemed to have been employed for 237 + 15 weekly offs) days = 252 days upto 31-12-1989. Thus he was engaged for a total of more than 240 days in a year. However the petitioner was terminated from service w.e.f. 1-1-1990 by verbal orders. He was neither given one month notice nor was he paid one month wages in lieu of notice as envisaged by the Director General's Order dt. 1-10-1984. The mandatory statutory provisions of Section 25-F of the I. D. Act have also not been complied with. Thus the termination of the petitioner's service is illegal retrenchment which is null and void. The only reason given to the petitioner for termination of his service is that he was recruited after 30-3-1985 the date on which Director General P&T Issued orders prohibiting fresh recruitment and employment of Casual labourers. The Director General P&T order dt. 30-3-1985 as such does not direct retrenchment or termination of service of any mazdoor but envisages their redistribution to other works of a casual nature. In the above circumstances the petitioner herein prays that this Hon'ble Tribunal may be pleased to declare that termination of the petitioner's service being void ab initio, he is entitled to reinstatement with full back wages from the date of his termination from service, protection of seniority and for all other benefits which are incidental and consequential to such reinstatement including absorption and regularisation in service and grant of temporary status pending such absorption together with attendant benefits as per extent orders and to pass award accordingly.

3. The brief facts of the counter filed by the Respondents read as follows :—The very word "Recruiting" has got different meaning with that of "Engaging" : The recruitment rules for a casual mazdoor are quite clear. For recruiting a casual mazdoor,

one should have registered his name in the Employment Exchange and should have been sponsored if he has fulfilled the age condition etc., There are clear instructions from the D. G. P&T New Delhi dt. 30-3-85 not to recruit any casual labour for any work mentioned therein forthwith. There are instructions also from time to from the G. M. T., Hyderabad to stop forthwith of any recruitment and employment of casual mazdoors for any type of work. During the period in question as mentioned by the worker, the workman was engaged purely on the temporary basis for the specific work and the instructions of the Department issued mutatis mutandis have been implemented and the orders to that effect have been issued to the workman vide office letter No. E. 2-9|III|88-89 which has been acknowledged by the casual mazdoor. His services were disengaged w.e.f. 1-12-1989 on completion of work and a notice was issued to this effect under office Memo d'. 5-11-1989. Hence engaging this casual mazdoor on temporary basis for a specific work is not against to the condition of the Department and therefore abiding to the instructions/orders of the Department is not illegal. As he was engaged purely on temporary basis, the condition of 240 days in a year will not arise and that too his statement that he has worked for 245 days from February, 1989 to December, 1989 appears to be wrong in as much he has stated under the particulars of the mazdoor days in para (i) against item No. 8 against the muster Roll No. 16285|1 of November, 1989 as 23 days. It is not understood rather it is superfluous that he has worked for 38 days (15+23) in the month of November, 1989 whereas November 1989 has got only 30 days. The original muster roll No. 16285|1 of work Order No. 076 of November 1989 is to be verified. The muster roll No. 1628 3|8 of work Order No. 074 of December, 1989 is also to be verified with original muster roll. His statement that his services were terminated by verbal orders is incorrect in as much he was issued with the orders of the disengagement vide office memo No. E. 2-9|III|88-89|86, dt. 5-11-1989. The notice was issued in November, 1989 and thereby one month's notice was given. Moreover he has not completed 240 days in as much he has wrongly noted as 38 days during November, 1989. The contents of the letter quoted by the casual mazdoor D. G. P&T New Delhi No. 270|6-84-STN dt. 30-3-1985 apply to those who were working at the time of issue of orders but not for those who are working from February 1989. This Respondent believes that the petitioner is gainfully employed and engaged in profitable avocation all these years. This Respondent submits that the petitioner is making an attempt to procure the public employment without the media of employment exchange reservation norms and merits. Under the guise of providing some employment to the petitioner on mercv, sympathy etc. It is therefore prayed that the Hon'ble Court may be pleased to pass an award holding that the petitioner is not entitled to any relief from the Respondents.

4. The point for adjudication is whether the action of the Respondent is justified in terminating the services of Sri M. Channakesavulu w.e.f. 1-1-1990 ?

5. W.W1 was examined on behalf of the Petitioner and marked Exs. W1 to W6. No oral or documentary evidence has been adduced by the Respondents.

6. W. W1 is N. Ghenna Kesavulu. In brief he deposcd that he joined the Telecom Department on 1-2-1989. He first joined in the Department at Dharmavaram. He went in search of employment and wen' to the Department. He worked upto December 1989 actually for 235 days. He was not given paid weekly offs. In some months he was made to work on weekly off days also. On those days he was not paid any overtime wages but he was paid as usual. He was not paid daily wage on par with mazdoors whose names are included in the muster rolls, i.e. at 1/30th of monthly wage of group 'D' employee. But was paid only Rs. 12.00 per day. About 15 paid weekly off were denied to him. He was also not given the benefits of paid holidays on National days like 15th August and 2nd October as well as other telegraph holidays like Annexure. All such holidays put together worked out to nearly 20 days. If those holidays are taken into consideration, his total working days works out to 255 days or so. The terminal benefits are not paid to him. In his representation in Ex. W1 to the R. L. C. (C), Hyderabad, he mentioned by mistake that the number of days of his work during November 1989 are 15 days in one M. R. and 23 days in another Muster Roll but that was a mistake in the second muster roll he was employed only for 13 days thus he worked only for 235. days.

7. The case of the Petitioner-workman is that he was employed on various works showing his name in M|Rs issued to S|Sri P. M. Veeranna, LI(P), Ananathapur and T. Narasimhulu, SI(T) Kadiri from 1-2-1989 to December, 1989 for a total 237 days, that he was no' granted paid weekly offs in all months except in April and July 1989, that he is entitled for 4 weekly offs each in March, June, August and December, 1989 and for 3 weekly offs in October, 1989, thus he must be deemed to have been employed for $237+15$ (weekly offs) days + 252 days upto 31-12-1989, thus he was engaged for more than 240 days in a year, that the only reason given to the Petitioner for termination of his service is that he was recruited after 30-3-1985, the date of which Director-General P&T issued orders prohibiting fresh recruitment and employment of Casual labourers.

8. The contention on the other hand of the Respondent is that during the period in question as mentioned by the worker, the workman was engaged purely on the temporary basis for the specific work and the instructions of the Department issued mutatis mutandis have been implemented and the orders to that effect have been issued to the workman via office letter which has been acknowledged by the casual mazdoor, that his services were disengaged w.e.f. 1-12-1989 on completion of work and a notice was issued to this effect under office Memo

dt. 5-11-1989, that as he was engaged purely on temporary basis, the condition of 240 days in a year will not arise and that too his statement that he was worked for 245 days from February 1989 to December 1989 appears to be wrong in as much as he stated under the particulars of the mazdoor days in para (i) against Item No. 8 against the Muster Roll No. 16224|9 of November, 1989 as 15 days and in muster Roll No. 16285|1 of November, 1989 as 23 days.

9. A persual of the records filed would indicate that there are clear instructions from the D.G.P. & T., New Delhi not to recruit any casual labour for any work, that there are instructions also from the G. M. T., Hyderabad to stop forthwith of any recruitment and employment of casual mazdoors for any type of work. That if any casual mazdoor is taken for any specific work he should be given clear orders stating that he is engaged purely on casual basis and his services should be automatically terminated on completion of the work. To substantiate this, Ex. W2 is filed by the Petitioner-workman himself in which it clearly mentions that the work is temporary nature. It is likely to continue 2 or 3 months only. Your services will be terminated at any time without any notice. Your working days will not be taken into account for future employment in the department and the days will not serve any purpose for regularisation in the department. Hence I find that the services of the petitioner workman were disengaged w.e.f. 1-12-1989 on completion of work and a notice was issued to this effect under office Memo No. E. 2-9|III|88-89, dt. 5-11-1989. I find that engaging casual mazdoor on temporary basis for a specific work is not against to the conditions of the Department and therefore abiding to the instructions/orders of the Department is not illegal. Since the Petitioner-workman was engaged purely on temporary basis, the condition of 240 days in a year will not arise. It is pertinent to note that the letter quoted by the casual mazdoor D.G.P&T, New Delhi No. 270|6-84-STN, dt. 30-3-1985 apply to those who were working at the time of issue of orders but not for those who are working from February 1989. Moreover I find that the petitioner-workman has not completed 240 days and that he has wrongly noted as 38 days November, 1989. Wherein November 1989 has got only 30 days. Having considered the entire material available on record, I am of the clear opinion that the Petitioner-workman is not having any case and the petitioner workman is not liable to be reinstated into service and not liable to all other benefits.

10. In the result, the action of the management of M/s. Sub-Divisional Officer, Telcom, Dharmavaram is justified in terminating the services of Shri M.Chennakesavulu w.e.f. 1-1-1990. The concerned workman is not entitled to any benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 22nd day of September, 1994.

Y. VENKATACHALAM, Industrial Tribunal
Appendix of Evidence.

Witnesses Examined
for Petitioner :

Witnesses Examined
for Respondent :

W. W1 M. Chennakesavulu

NIL

Documents marked in behalf of Petitioner :

- Ex. W1 24-8-91.—Copy of Complaint to the Regional Labour Commissioner (Central).
- Ex. W2.—Zerox Copy of the Letter No. E. 2-9/111/89-89 of the Sub Divisional Office, Telecom, Dharmavaram.
- Ex. W3 10-91.—Copy of Letter of the Respondent to the Regional Labour Commissioner (C).
- Ex. W4 5-11-89.—Copy of the Memo issued by Respondent.
- Ex. W5 19-11-91.—Copy of Minutes of Regional Labour Commissioner (C)
- Ex. W6 27-12-91.—Copy of Failure Report of Regional Commissioner (C)

Document marked on behalf of Respondent :

NIL

नई दिल्ली, 29 सितम्बर, 1994

का. आ. 2894—ग्राम्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार द्वारा, निमिट्रार्समोर्ट, बम्बे, के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्राम्योगिक विवाद में केन्द्रीय सरकार ग्राम्योगिक अधिकारण, नं. 1, बम्बे के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-94 को प्राप्त हुआ था।

[मंज्ञा एक्ट-31012/28/92—ग्राम्य आर (एम आई एम सी)।
बी.एम. डेविड, डैस्क अधिकारी।

New Delhi, the 29th September, 1994

S.O. 2894.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal, No. 1, Bombay, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Timmy Transport, Bombay, and their workmen, which was received by the Central Government on 29-9-94.

[No. L-31012/28/92-1R (MISC.)]
B. M. DAVID, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-25 OF 1993

PARTIES :

Employers in relation to the management of M/s.
Timmy Transport Bombay.

AND

Their workmen.

APPEARANCES :

For the Management.—No appearance.

For the Workman : Shri Wagh, Advocate.

INDUSTRY : Ports Docks STATE : Maharashtra.
Bombay, dated the 14th day of September, 1994

AWARD

Government of India, Ministry of Labour has made following reference to this Tribunal for adjudication.

“Whether the action of the management of M/s. Timmy's Transport Bombay in refusing to absorb Mr. O. Chauhan, Ex-Peon, when rest of the retrenched staff were employed is just, proper and legal ? If not, to what relief is the workman entitled to?”

Statement of claim has been filed and the management filed written statement.

However, when the matter came up for hearing today Mr. Wagh informs me that the matter has been settled and the workman has been reinstated. There is therefore no need to hear the matter and Union does not want to proceed with the matter. There is none appearing on behalf of the other side.

Award accordingly. Reference disposed off.

R. G. SINDHAKAR, Presiding Officer.

नई दिल्ली, 30 सितम्बर, 1994

का. आ. 2895—ग्राम्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हाड़ोली धोकेय ग्रामीण बैंक, के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ग्राम्योगिक विवाद में ग्राम्योगिक अधिकारण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-94 को प्राप्त हुआ था।

[मंज्ञा एक्ट-12011/87/89—ग्राम्य आर (बी-3)बी-1)]

बी.के. शर्मा, डैस्क अधिकारी

New Delhi, the 30th September, 1994

S.O. 2895.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Haroti Kshetriya Gramin Bank and their workmen, which was received by the Central Government on the 29-9-94.

[No. L-12011/87/89-IR(B.III)[B.I]
V. K. SHARMA, Desk Officer.

अनुबंध

न्यायाधीश, श्रीद्वयिक न्यायाधिकरण, (केन्द्रीय) कोटा/गज.
निर्देश प्रकरण क्रमांक : श्री. न्या (केन्द्रीय) - 8/1990

दिनांक स्थापित : 23-5-90

प्रसंग : भारत सरकार, अम मंत्रालय, नई दिल्ली के आदेश
क्रमांक ए.ल-12011/87/89-श्राई.आर. (बी-1)
वी-3 दिनांक 5/6-4-90

श्रीद्वयिक विवाद अधिनियम, 1947

भृष्ट

रमेशचन्द्र व्यास द्वारा क्षेत्रीय हिन्द मजदूर समा, बंगाली
कालोनी, छावनी कोटा।

—प्रार्थी का

एवं

चेपरमत, हाड़ोती क्षेत्रीय शामीण बैक, कोटा।

—प्रतिपक्षी नियोजक:

उपस्थित

श्री आर.के. चाचान,

आर. एन.जे. पम.

प्रार्थी श्रमिक की ओर मे प्रतिनिधि:—श्री एन.के. तिवारी

प्रतिपक्षी नियोजक की ओर मे प्रतिनिधि:—श्री एम.सी. गुप्ता
अधिनियम दिनांक : 25 अगस्त, 1994

अधिनियम

भारत सरकार, अम मंत्रालय, नई दिल्ली द्वारा निम्न-
निर्देश श्रीद्वयिक विवाद अधिनियम, 1947 की धारा
10(1) (व) व उपधारा (2-क) के अन्तर्गत इस न्या-
याधिकरण को अधिनियमार्थ सम्प्रेषित किया गया है:—

“Whether the action of the Chairman, Hadoti Kshetriya Gramin Bank, Kota in terminating the service of Shri Ramesh Chand Vyas, part time daily rated employee w.e.f. 29-12-1985 is justified? If not, to what relief the workman is entitled?”

2. निर्देश न्यायाधिकरण मे प्राप्त होने पर दर्ज रजिस्टर
किया गया व पक्षकारों को मनना जारी की गयी,
तदुपराल दोनों पक्षों की ओर से अपने-अपने अध्याक्षेदन
प्रस्तुत किए गए।

3. आज दोनों पक्षों के विडान प्रतिनिधि उपस्थित।
प्रार्थी की साध्य अपरिधत नहीं और न कोई कारण ही
माध्य प्रस्तुत न करने का बाबा गया, अतः उनकी साध्य
बन्द की गयी। प्रतिपक्षी की ओर से भी कोई साध्य पेण
नहीं करना चाहा गया। तदुपराल बहस मुनी गई व
पत्रावली का अवलोकन किया। बाद अवलोकन पत्रावली
यह स्पष्ट प्रकट होता है कि अमिक ने अपने बलेश
समर्थन मे कोई साध्य प्रस्तुत नहीं की है जिससे कि उसके
कथन की पुष्ट मानी जा सके। अतः साध्य के अवशाल मे
श्रमिक कोई राहत प्राप्त करने का अधिकारी नहीं है।

इस अधिनियम की समीक्षा सरकार को नियमानुसार
प्रकाशनार्थ भिजवाया जाए।

श्रार. के. चाचान, न्यायाधीश

नई दिल्ली, 30 अगस्त, 1994

का.आ. 2896.—श्रीद्वयिक विवाद अधिनियम, 1947
(1947 वा 14) की धारा 17 के अनुसरण मे केन्द्रीय
सरकार दक्षिणी रेलवे के प्रबंधताल के संवर्जन नियोजकों
और उनके कर्मकारों के बीच, अन्वय मे निर्दिष्ट श्रीद्वयिक
विवाद मे श्रीद्वयिक अधिकरण, कोल्कता के पंचपट
को प्रकाशित करनी है, जो केन्द्रीय सरकार को 27-9-94
को प्राप्त हुया था।

[संख्या पम-41012/50/93-श्राई अ.र.(डी.स.) वी-II]
श्री. के. शर्मा, ईस्ट अधिकारी

New Delhi, the 30th September, 1994

S.O. 2896.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway and their workmen, which was received by the Central Government on the 27-9-94.

[No. L-41012/50/93-IR(DU)[B.I]

V. K. SHARMA, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL
TRIBUNAL, KOLLAM

(Dated, this the 3rd day of September, 1994)
PRESENT :

SRI C. N. SASIDHARAN
INDUSTRIAL TRIBUNAL

IN

INDUSTRIAL DISPUTE NO 3/94

BETWEEN

The Divisional Railway Manager, Southern Railway,
Trivandrum.

(By S/s. A. Shanavaskhan & P. Jus'in, Advocates,
Kollam)

AND

Sri. T. Cherian, Ex-Guard, Railway Quarters No.
194/F, Southern Railway, Quilon 691 001.

AWARD

The Government of India as per Order No. L-41012/50/93-IR(DU) dated 21-1-1994 have referred this industrial dispute to this Tribunal for adjudicating the following issue :

"Whether the action on the part of the Divisional Railway Manager, Southern Railway, Trivandrum in terminating the services of Sri. T. Cherian by way of compulsory retirement as a Guard with effect from 1-9-1987 is legal and justified? If not, what relief the workman is entitled to?"

2. In pursuance to notices issued from this Tribunal both sides entered appearance. The workman has filed his claim statement on 6-5-1994 and the case stood posted for the reply statement of management on 3 postings. But the management did not file the statement. On 2-11-1994 when the case was posted as last chance for filing statement by the management, the management and counsel remained absent without any reason whatsoever. No statement was also filed. Accordingly the management was set ex parte. The workman in support of his detailed claim statement has filed an affidavit to prove his case.

3. In the affidavit filed by the workman he has averred that the action of management in terminating his service as a guard by way of compulsory retirement with effect from 1-9-1987 is illegal and unjustified that he is entitled to be reinstated in service with all consequential benefits. The claim statement and the averments of the workman in his affidavit remain unchallenged. In the absence of contest I accept the same and hold that the termination of workman from service by the management is illegal and unjustified.

4. In view of what is stated above, an award is passed directing the management to reinstate the workman Sri. T. Cherian in service with immediate effect with all consequential benefits.

C. N. SASIDHARAN, Industrial Tribunal.

नई दिल्ली, 29 मिस्राम्बर 1994

का.पा. 2897—श्रीशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण रेलवे के प्रबंधनात्मक संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट श्रीशोगिक विवाद में श्रीशोगिक अधिकरण, मद्रास के पंचपट को प्रतापित करती है, जो केन्द्रीय सरकार को 29-9-94 को प्राप्त हुआ था।

[मंस्या एन-41012/32/92-श्री आर. (टीडे)/वीडी]
वी. के. शर्मा, ईस्क अधिकारी

New Delhi, the 30th September, 1994

S.O. 2897.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway and their workmen, which was received by the Central Government on the 28th September, 1994

[No. L-41012/32/92-IR(DU)] B.L.I.

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, MADRAS

Monday, the 2nd day of May, 1994

PRESENT :

Thiru K. Sampath Kumar, B.A. B.L., Industrial Tribunal.

Industrial Dispute No. 21/1993

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Southern Railway, Madras)

BETWEEN

Shri S. Sundararajan,
No. 22, Muthial Chetty Street
Purassawalkam,
Madras-600007.

AND

The General Manager,
Southern Railway,
Madras-600003.

REFERENCE :

Order No. L-41012/32/92-JR(DU), dated the 28th India, New Delhi.

This dispute coming on for final hearing on Friday the 3rd day of December, 1993 upon pursuing the reference, Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Mr. A. M. Fbrahim and Mohammed Ismail, Advocates appearing for the workman, and the Management being absent and set ex parte, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This reference has been made for the adjudication of the following dispute :

"Whether the Management of Southern Railway, Madras is justified in terminating the services of Shri S. Sundararaja, Bungalow Peon with effect from 29th October, 1982? If no, to what relief the concerned workman is entitled?"

2. The petitioner filed the following Claim Statement.—The petitioner was appointed as Bungalow Luscar under order No. T.OS/12, Head quarters, Transportation Branch, Southern Railway, Madras-3 dated 30th December, 1981. The petitioner reported for duty on 30th December, 1981 and worked diligently and faithfully. No name of the Officer under whom he must work was mentioned in that order. But, orally he was informed to work under N. V. Subramaniam, C.T.P.S. in his Bungalow. No condition was stipulated in that appointment order. The petitioner is deemed to be a workman for all purposes of the present petition. On 29th October, 1982 N. V. Subramaniam informed him that he need not go to work as Bungalow Luscar and he will be given alternative work. No order of termination by the Chief Personnel Officer said to be issued by order No. T/139/82 dated 30th October, 1982 stating that the petitioner was terminated from the afternoon of 29th October, 1982 due to his unsatisfactory work was served on the petitioner at any time, though the petitioner is deemed to be continuous in service till date. He did not do any work contrary to the satisfaction of N. V. Subramaniam. No show cause notice or charge sheet was given calling for his explanation. The termination order mentioned is arbitrary against law and contrary to natural justice. The applications, representations, and appeals by the petitioner to re-instate him were not considered. N. V. Subramaniam asked the petitioner to attend the office almost daily from 30th October, 1982 for a period of 3 years telling him that he will give duty shortly. The petitioner's application, appeals, and other representations to the concerned authority from 21st April, 1983 to 23rd July, 1990 were not considered. These were the reasons for delay in filing the application under Section 2-A of the Industrial Disputes Act. Before the Commissioner of Labour, the respondent showed an appointment order No. T. 3/82 dated 5th January, 1982, stating that, that was the appointment order for the petitioner. It was not the appointment order served on the petitioner. It is only an after thought created only as a defence to the case of the petitioner before the Labour Commissioner. A letter dated 29th October, 1982 signed by C.T.S.S. Southern Railway, Madras addressed to A.P.O. T Southern Railway falsely stating that the work of the petitioner was not satisfactory despite the warnings. But no copy of it was shown to the Labour Commissioner. No warning letter was given to the petitioner and no explanations was called for. The petitioner denied the allegations before the Labour Commissioner. The allegations mentioned in the letter are only an afterthought. Petitioner served under the respondent for 227 days from 30th December, 1981 to 29th October, 1982 without any remark, on his work. No termination order was served on him. Therefore, the order of Chief Personnel Officer, Southern Railway, in T. 139/82 dated 30th October, 1982 may be set aside, and the reinstatement of the petitioner with full wages and benefit from 30th October, 1982 treating the service as continuous may be ordered.

3. The respondent—Southern Railway remains ex parte and does not take part in these proceedings.

2295 GI 94-20.

4. Issues that arise for consideration in these disputes are :

1. Whether the service of the petitioner were terminated without any enquiry, and the same is illegal and against the principles of natural justice.
2. Whether the petitioner is entitled to be reinstated with continuity of service back wages and other attendant benefits.

5. Issues 1 and 2 : The petitioner stated that he was appointed in Bungalow Peon on 30th December, 1981, and that the order of appointment is Ex. W-1. But, Exhibit W-1 is not an appointment order but it is a report sent for his having joined the service on 30th December, 1981 as a temporary substitute Bungalow Luscar, in the scale of Rs. 196—232. He stated that basic pay was Rs. 196 and in total he was drawing Rs. 750 and that he performed his work satisfactorily. He produced the memo given to him for taking photograph for being affixed in the identity card as Ex. W-2. The petitioner stated that on 29th October, 1992 he was informed that he need not work as Bungalow peon, but can work as office peon. The petitioner stated though he was going to office daily he was not given any work and he was made to come once in a while for 3 years. The several representations given by him have been marked as Exhibits 3 to 12. He had also issued a notice under Section 80 C.P.C. under Exhibit W-13 dated 23rd July, 1990. Then he filed a petition before the Commissioner of Labour under Section 2-A of the Industrial Disputes Act and the copy of the same has been marked as Ex. W-14 dated 8th March, 1981. The Respondent-Management wrote to the Labour Commissioner and Ex. W-16 dated 31st October, 1991 stating that the petitioner was engaged as a temporary substitute Bungalow Luscar with effect from 30th October, 1981 to work with N. V. Subramaniam subject to certain conditions laid down in the order No. P(S) 269/II/1 dated 5th January, 1982 (Office Order No. T. 3/82). The respondent also alleged that his services were liable to be discharged without notice during the period of probation, if the services were not required for any reason or on the expiry of the post or in the event of his incapacity. It was also alleged that his work was not satisfactory and therefore his services were terminated with effect from 29th October, 1982 under the Order No. P(S) 269/II/1/Vol. 1-I dated 30th October, 1982. The exhibit W-16 also contains the termination order simply stating that his work was satisfactory. It also contains the appointment order alleged to have been issued to him. There is also a note by the person to whose Bungalow the petitioner was appointed stating that his work was not satisfactory. The appointment mentions certain conditions that the services will be temporary, the first year of which will be deemed to be on probation, and during the period of probation if the services are not required for any reason or on the expiry of the sanction of the post, he is liable to be discharged. It also mentions that in the event of his incapacity he will be terminated. It also mentions that he is liable to be discharged or removed or dismissed as a disciplinary measure after compliance with the provision of Clause (2) of Article 311 of the Constitution of

Ind'a. It also mentions that he will be accorded the same rights as regularly recruited peon on his completing 3 years continuous service.

6. The petitioner contends that no warning was issued to him and no notice was issued to him that his service was not satisfactory. He also contends that the appointment order, termination order are found with Ex. W-16 were not issued to him. The petitioner stated that he was not issued any charge sheet, and no enquiry was conducted, and that no explanation was called for. He also stated that no notice was given to him that he will be removed from service and that no order of termination was issued to him. There is no evidence to the contra. Even taking that the appointment order as found in Ex. W-16 was issued to him it is evident that he was put on probation. Though, his appointment order is stated to be temporary, according to him he has serviced for 227 days and he was put on a regular scale of pay and the appointment order also says that after completion of 3 years he will be entitled to the same rights as the regularly recruited Peon. So when he has been appointed as a temporary Luscar, and was put on probation, he should have been issued a notice calling for his explanation if really his work was not satisfactory. An enquiry should have been

conducted against him and if it was proved that his work was not satisfactory, his services could have been terminated. So, it is clear that the mere termination of service without any notice, a charge sheet, and an enquiry is against the principle of natural justice, since it is clear that he was appointed regularly and was on probation. But, since he had completed a service of 227 days, he cannot be conferred permanency, but he will have to be re-instated in service.

7. of course, there is a long delay from the date of termination, that is 29-10-1982 till the Industrial dispute was raised by filing a petition under Section 2(A) on 8-3-1991 under Ex. W-14. But it is clear that the petitioner has been making attempts to get himself reinstated all along. Further, mere delay cannot defeat his right. (Vide decision in RAMACHANDRA YADAV Vs. STATE OF BIHAR 1988 II-LLJ P. 343). But in view of the delay the petitioner will not be entitled to the back wages. The petitioner has to be reinstated to service without continuity of service and without back wages.

8. An award has to be passed holding that the termination of the services of the petitioner-Sundarajan, Bungalow-Peon, with effect from 29-10-82 is not justified, and directing the respondent to reinstate him into service but without continuity of service and backwages. No costs.

Dated, this the 2nd day of May, 1994.

K. SAMPATH KUMARAN, Indl. Tribunal.

WITNESSES EXAMINED

For Workman :

W.W.1

: Thiru S. Sundarajan.

For Management

: None

DOCUMENTS MARKED

For Workman :

Ex. W-1/30-12-81

: Report about the Petitioner-worker serving as Temporary Substitute Bungalow Luscar (Copy).

Ex. W-2/25-9-82

: Note issued by Respondent-Management to the petitioner-workman for taking photograph for affixing to the new identity card (Xerox copy).

Ex-W-3/4-1-83

: Letter from Petitioner-workman to the Management (Xerox copy).

Ex. W-1/3-8-83

: -do-

Ex. W-5/27-4-84

: -do-

Ex. W-6/20-8-84

: Letter from Peitioner-workman to the Management (Xerox copy).

Ex. W-7/31-3-85

: Letter of appeal preferred by petitioner-worker to the General Manager regarding reinstatement into service (Xerox copy).

Ex. W-8/1.11.85

: Reminder letter by the petitioner-worker to the General Manager, Southern Railway, Madras-3 (Xerox copy).

Ex. W-9/2-8-86

: -do-

Ex. W-10/1-9-87

: -do-

Ex. W-11/1-1-89

: -do-

Ex. W-12/18-6-90

: Letter from Petitioner workman to Thiru R. Narasimhan, General Manager, Southern Railway, Madras-3 (Xerox copy).

Ex. W-13/23-7-90

: Lawyers notice from Petitioner-workman to the Respondent-Management (Xerox copy).

Ex. W-14/8-3-91 : Section 2-A petition filed by the Petitioner-workman before the Regional Labour Commissioner, Madras-6 (Xerox copy).

Ex. W-15/22-1-92 : Letter from the Assistant Labour Commissioner (Central-I), Madras to the Respondent-Management & petitioner-workman for attending Joint discussions (Xerox copy).

Ex. W-16/31-10-91 : Letter from Respondent-Management to the Assistant Labour Commissioner (Central Madras-6) (Xerox copy).

Ex. W-17/18-11-91 : Counter statement filed by the Petitioner-workman before the Labour Commissioner (Central), Madras-6 (Xerox copy).

Ex. W-18/24-3-92 : Conciliation Failure Report (Xerox copy).

For Management : Nil

नई दिल्ली, 30 सितम्बर, 1994

का.आ. 2898.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमति में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतान्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बाच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में श्रीधारिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-9-94 को प्राप्त हुआ था।

[संख्या ए.ल-12012/60/86-डी-II (ए)/बा-1]
सं.के. शर्मा, डैम्प अधिकारी

New Delhi, the 30th September, 1994

S.O. 2898.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 28-9-1994.

[No. L-12012/60/86-D.II(A)/B.I]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Thursday, the 12th day of May, 1994

PRESENT :

THIRU K. SAMPATH KUMARAN, B.A.B.L.,
INDUSTRIAL TRIBUNAL

Industrial Dispute No. 11/1987

(In the matter of the dispute for adjudication under Section 10 (1) (d) of the Industrial Disputes Act, 1947 between the Workman and the Management of State Bank of India, Madras).

BETWEEN

Shri P. Chellappa,
33/2, Malai 4th Street,
Maranargudi,
Thanjavur Distt.
Tamil Nadu

AND

The Chief General Manager,
State Bank of India,
Local Head Office,
21, Rajaji Salai,
Madras-600 001.

Reference : Order No. L-12012/60/86-D.II(A),
dated 19-1-87, Ministry of Labour,
Govt. of India, New Delhi.

This dispute coming on for final hearing on the 11th day of March, 1994 upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Thiru R. Arumugham, Advocate appearing for the Workman and of Thiru T. S. Gopalan, P. Ibrahim Kalifulla, S. Ravindran, and N. C. Srinivasa Varadhan Advocates appearing for the Management and this dispute having stood till this day for consideration, this Tribunal made the following :—

AWARD

This reference has been made for the adjudication of the following issue :

“Whether the action of the Management of State Bank of India, through its Branch Manager at Thanjavur (Tamil Nadu) is justified in terminating the services of Shri P. Chellappa with effect from 22-2-83 ? If not, to what relief is the workman concerned entitled ?”

2. The petitioner filed the following Claim Statement.—The petitioner was employed as Watchman in the respondent-bank with effect from 1-12-80 and was posted as night watchman in J. B. M. Aluminium Factory, Thanjavur. The said J. B. Aluminium Factory was the borrower from the bank and pledged the factory-property and machinery to the bank.

The petitioner worked for more than 812 days continuously from 1-12-80 to 22-3-83, and was paid Rs. 250 p.m. as monthly wages by the respondent. The respondent maintained a separate attendance register for the watchman and was asked to sign the same everyday. Without any justification the respondent terminated the services from 22-2-83 which is illegal. No. notice was issued before terminating his service. After termination of the services of the petitioner, the respondent appointed another watchman in that place. So. the action of the respondent is not bona fide. Therefore, an award may be passed holding that the action of the respondent in terminating the services of the petitioner with effect from 22-2-83 is not just, and directing the respondent to reinstate the petitioner into service with continuity of service, backwages and other benefits.

3. The respondent filed the following Counter.—The respondent financed M/s. J. B. M. Aluminium Factory, Thanjavur, who had pledged the machinery and materials of the factory. Some time in 1979, the unit became sick and could not be run by its partners. In order to protect the unit's interest, vis-a-vis the bank, machinery and materials that were in the factory had to be safe-guarded. The Managing Partners of the sick unit above named approved the bank's suggestion to appoint watchman and to debit their salaries by the bank in their account. S. Dhana-palan and Peter were engaged as temporary watchmen. In November, 1980, the engagement of Peter was stopped, and in his place petitioner was engaged as a temporary watchman. Their salaries were debited to the account of the Unit with the knowledge and consent of the firm and also concerned watchmen. The engagement of temporary watchmen in the aforesaid contingencies would not amount to employment in the respondent-bank, nor can the watchman be deemed to be in the service of the bank. Therefore, the petitioner was not in the employment of the respondent and so, the respondent is not answerable to the claim.

4. Admittedly, the petitioner was not available from 21-2-83, and in his place another person was engaged as watchman. It appears that the petitioner was suffering from illness and after his illness when he came to the branch, he was informed that some other person was being engaged in his place and there was no scope for engaging him further. The petitioner accepted his cessation of engagement. On 29-6-83 he gave a representation in which he claimed Rs. 16,675 but, did not make a claim for employment. After considerable lapse of time, in March, 1985, the petitioner submitted a petition to the Conciliation Officer in which he raised the present dispute. The dispute is not maintainable on the ground of delay and laches. The petitioner left his employment with J. B. Aluminium factory. He was not qualified to secure employment in the bank as Watchman since he is not an ex-serviceman. It is not correct to say that his services were terminated by the respondent from 22-2-83. His engagement was purely on contract for service and the said engagement was over because of his non-availability for service after 22-2-83. Therefore, an award may be passed holding that the petitioner was not in the employ of the respondent-bank and rejecting his claim.

6. The issues that arise for consideration in this Industrial dispute are :

1. Whether the petitioner herein was the employee of the respondent-bank ?
2. Whether his services were terminated by the respondent bank ? and whether the same is illegal ?
3. Whether the petitioner is entitled to reinstatement and other attendant benefits ?

7. Issues 1 to 3.—It is admitted by the petitioner himself in his claim statement as well as in Exhibit M-1 a letter written by him to the respondent that he was working as a watchman in a factory viz., J. B. Aluminium Factory (which had pledged the machinery and materials in the factory with the respondent-bank). It is not claimed by the petitioner that he was employed as a watchman in the bank. The contention of the respondent is that since the machinery and place were pledged by its debtor J. B. Aluminium Factory, the bank in order to safeguard them suggested to the partners of the said factory that a watchman can be appointed for the factory, and that the salary of the watchman could be debited to the account of the said factory. The respondent contends that accordingly the watchman were engaged for the purpose of guarding the materials in the factory belonging to its debtor, and the salaries were debited, to the account of the debtor. This allegation made by the respondent in the counter has not been controverted by the petitioner by any acceptable evidence to show that he is an employee of the bank. There is no evidence that he is employee of the bank. No order of appointment has been produced to show that he was employed by the bank in any capacity either as a casual worker or as a permanent worker. As rightly contended by the learned counsel for the respondent his employment in the factory will last so long as the debt is due to the bank. Once the debt is cleared, there will be no need to guard the machineries and place in the factory. So, the employment of the petitioner as a watchman will last so long as the debt subsists. Even in Ex. M. 1, the petitioner has stated that he was appointed as a watchman in the factory under the control of the bank. Therefore, in the absence of any evidence, to show that he was employed by the bank, and in view of the fact that the salaries paid to him were debited to the account of owner of the factory who had pledged the machinery etc. to the bank, the petitioner cannot claim that there is any relationship of employer and employee between respondent-bank and himself.

8. Further, the petitioner did not attend work from 22-2-83. Somebody else was appointed as watchman. The petitioner has stated in Ex. M.1 that when he came back asked for appointment, after recovering from illness, he was informed about appointment of somebody else. He does not say in his claim statement as to when he came and asked for employment. Further, when he has been appointed as a watchman to guard a factory and premises, which were pledged with the bank, when his appointment will last so long as the debt is due to the bank, when the petitioner cannot claim any right to be employed as a permanent employee, the action of the petitioner in having

stopped coming to work from 22-2-83 will show that he has abandoned even that employment. Further he did not raise any Industrial dispute till March 1985. It is seen from Ex. M. 3 only on 21-3-85 he has raised an Industrial dispute. So, for more than 2 years he had not done anything, and in these circumstances, the contention of the respondent that the petitioner has accepted the cessation on his employment is also acceptable. Therefore, in these circumstances, I find that there is no relationship of employer and employee between the respondent and the petitioner, and that the employment of the respondent was also for a period during which the debt remains due from the debtor to the bank. I also find that the contention of the petitioner that his services were terminated by the bank is also not acceptable, because he had himself abandoned the work and has also accepted the cessation of employment. The petitioner will not be entitled to the relief of reinstatement or the attendant benefits.

9. In the result, I find that there is no relationship of employer and employee between the respondent and the petitioner, that the services of the petitioner were not terminated by the respondent with effect from 22-2-83, and that the petitioner is not entitled either to the relief of reinstatement or the other consequential benefits. An Award is passed accordingly. No costs.

Dated, this the 12th day of May, 1994.

K. SAMPATH KUMARAN, Industrial Tribunal

WITNESSES EXAMINED

For both sides : None

DOCUMENTS MARKED

For Workmen : Nil

For Management :

Ex. M. 1|29-6-83 : Letter from Petitioner-worker to the Management (Xerox copy).

Ex. M. 2|1-10-84 : Letter from Petitioner-worker to the Collector, Thanjavur (Xerox copy).

Ex. M. 3|30-7-85 : Letter from Law office of the Respondent-Bank to the Assistant Labour Commissioner-I (Central) Madras-6 (Xerox copy).

Ex. M. 4|5-2-86 : Conciliation Failure Report (Xerox copy).

नई दिल्ली, 30 सितम्बर, 1994

का.आ. 2899—आंतरिक विवाद अधिनियम, 1947

(1947 का 14) वी धारा 17 के अनुसरण में, केन्द्रीय सरकार यको बैंक के प्रबंधरत्व के संबद्ध नियोजकों और उनके कर्मकारों के बाच, अनुबंध में निर्दिष्ट आंतरिक विवाद में केन्द्रीय सरकार आंतरिक अधिकारण धनबाद(1) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 28-9-94 को प्राप्त हुआ था।

[संख्या एल-12012/113/92-आई आर (वी-II)]

वी.के. शर्मा, इक अधिकारी

New Delhi, the 30th September, 1994

S.O. 2899.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad (1) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 28-9-1994.

[No. L-12012/113/92 IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD**

In the matter of a reference under section 10(1) (d) of the Industrial Disputes Act, 1947.

Reference No. 68 of 1992

PARTIES

Employers in relation to the management of UCO Bank.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.
For the Workmen.—None.

STATE : Bihar.

INDUSTRY : Banking.

Dated, the 19th September, 1994

AWARD

By Order No. L-12012/113/92-IR(B-2), dated 10-8-92 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal.

“Whether the action of the management of UCO Bank is justified in terminating the services of Sh. Arvind Kumar Singh and refusing his claim of reinstatement in Bank's service with back wages ? If not, to what relief is the workman entitled ?”

2. On 23-11-1992 notice was issued to the management as well to the sponsoring Union. Thereafter an application by post was received from the State Secretary of the Sponsoring Union, dated 12-12-92, stating therein that since in the notice the name of the workman was not mentioned, there was difficulty

in filing written statement. A prayer was made to let them know the name of the workman to enable them to file written statement. But the sponsoring Union had not cared till 15-9-1994, though the reference was received in August, 1992, to have appeared through an authorised person in any of the hearings.

3. In view of the matter, again a notice was issued on 9-2-1994 through registered post in which the name of the concerned workman was mentioned. After that there should not have been any difficulty in filing the written statement since it was the sponsoring Union which had raised the dispute on behalf of the workman.

4. Till 15-9-1994 the sponsoring Union had not filed any written statement.

5. This being so, it appeared that the sponsoring Union was not interested in prosecution of the reference or that it had no dispute to pursue. In such circumstance I am constrained to render a "no dispute" award.

6. Therefore, I render a "no dispute" award in the present reference case.

P. K. SINHA, Presiding Officer.

नई दिल्ली, 5 अक्टूबर, 1994

का. आ. 2900—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्यारण में, केन्द्रीय सरकार, मै. भारत कोकिंग कॉल लिमि. की निहितपूर कोलियरी के श्रवंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निरिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण (सं. 1) धनवाद के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 28-9-94 को प्राप्त हुआ था।

[संख्या एन-20012/366/90-आईआर (कॉल-I)]

बृज मोहन, डैस्क अधिकारी

New Delhi, the 5th October, 1994

S.O. 2900.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Nichitpur Colliery of M/s. BCCL and their workmen, which was received by the Central Government on 28-9-1994.

[No. L-20012/366/90-IR (Coal-I)]

BRIJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1) (d)
(2-A) of the Industrial Disputes Act, 1947.

Reference No. 48 of 1991

PARTIES :

Employers in relation to the management of
Nichitpur Colliery of M/s. BCCL Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers.—Shri Naresh Prasad, Legal
Asstt., Sijua Area of M/s. BCCL Ltd.

For the Workmen.—Shri D. Mukherjee, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 20th September, 1994

AWARD

By Order No. L-20012/366/90-I.R. (Coal-I), dated 15-4-1991 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management in dismissing Shri Radheyji Bhuria, Surface Tribunal. I have gone through the terms of settlement Area of M/s. BCCL vide their letter reference No. 1455 dt. 16-4-90 is justified ? If not, to what relief the workman is entitled ?"

2. The dispute has been settled out of Tribunal. A memorandum of settlement has been filed in this Tribunal. I have gone through the terms of settlement and I find those to be fair and reasonable. I allow the prayer to render an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

P. K. SINHA, Presiding Officer

BEFORE THE HON'BLE PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL
NO. I DHANBAD

Ref. Case No. 48 of 1991

Employers in relation to the management of
Nichitpur Colliery Sijua Area of M/s.
Bharat Coking Coal Ltd.

AND

Their Workmen

The humble petition of compromise on behalf of
the parties most respectfully shewth :—

(1) That the Government of India, Ministry of Labour, New Delhi by Notification No. L-20012/366/90-12-Coal-I dated 15-4-91 have referred the instant industrial dispute to this Hon'ble Tribunal for an adjudication U/s 10(1)(d)(2A) of the Industrial Disputes Act 1947. The schedule of the reference is reproduced below :—

SCHEDULE

"Whether the action of the management in dismissing Sri Radheyjee Bhuiya, Surface Trammer of Nichitpur Colliery under Sijua Area of M/s. BCCL vide their letter No. 1455 dated 16-4-90 is justified ? If not to what relief the workman is entitled ?

(2) That the parties discussed the dispute outside the Court and have settled the said dispute on the following terms and conditions.

TERMS OF SETTLEMENT

(i) That Sri Radheyjee Bhuiya, Surface Trammer of Nichitpur Colliery shall be reinstated and posted at Chanch-Victoria Area No. XIX.

(ii) That Sri Radheyjee Bhuiya shall not be entitled for any wages etc. for the idle period i.e. from the date of dismissal till the date of resumption of his duty at the new place of posting and the period of absence will be treated as dies-non for the purpose of gratuity.

(iii) That this settlement resolves all the dispute once for ever and he shall have no any other claim whatsoever.

Sd/-

Representing Union

(Pyarelal Srivastav)

Area Secy. BJKMS

Thumb impression of

Radheyjee Bhuiya

(Radheyjee Bhuiya)

Surface Trammer, Nichitpur

Witnesses :—

Sd/- Illegible

Branch Secy. SBC

(2) Sd/- Illegible BJKMS

Representing Management

Sd-

(M. K. Singh)

Sd-

General Manager, Sijua Area

Sd-

(M. P. Dubey)

Addl. CPM (M-2) Sijua Area

(R. K. Rai)

Personnel Manager, Sijua Area
(Part of the Award)

नई दिल्ली, 4 अक्टूबर 1994

का.आ. 2901—आंशोधिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार, मै. हिन्दुस्तान पेट्रोलियम रायरिंग्स लिमिटेड, के प्रबंधताव के संबंध नियोजकों और उनके कार्यकारी के बीच, अनुवंश में निर्दिष्ट आंशोधिक विवाद में केन्द्रीय सरकार, आंशोधिक अधिकरण, (सं. 1), वस्त्रई के पन्नपट को प्रकाशित करती है, जो केन्द्रीय सरकार, को 28-9-94 को प्राप्त हुआ था।

[मंस्या पन-30012/11/85-टी-3(वी) आई आर. (कोल-1)]
बृज मोहन, डैम्प अधिकारी

New Delhi, the 5th October, 1994

S.O. 2901.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. I), Bonibay as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of M/s Hindustan Petroleum Corporation Ltd. and their workmen, which was received by the Central Government on 28-9-94.

[No. L-30012/11/85-DIII(B)/IR (Coal-I)]
BRIJ MOHAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar—Presiding Officer

REFERENCE NO. CGIT-10 OF 1987

PARTIES :

Employers in relation to the management of
M/s. Hindustan Petroleum Corporation
Ltd., Bombay

AND

Their workmen.

APPEARANCES :

For the Management—Shri Palshikar, Advocate.

For the Workman—Shri Gopalakrishnan, Advocate.

Industry : Petroleum State : Maharashtra
Bombay, the 15th day of September, 1994

AWARD

The Government of India, Ministry of Labour has by letter dated 6-4-1987 made the following reference of this Tribunal for adjudication under Section 10(1)(d) read with sub-section 2A of the Industrial Disputes Act, 1947.

"Whether the action of the management of M/s. Hindustan Petroleum Corporation Ltd. in relation to its Refinery Division at Mahul, Bombay in the dismissal of Shri R. Vasanji, Pay Roll No. 800884 w.e.f. 27th September, 1984 is justified? If not, what relief the workman concerned is entitled to?"

2. Statement of claim has been filed on behalf of the union. The workman Shri R. Vasanji was charge-sheeted by charge sheet dated 23-5-1983 alleging against him act of misconduct of theft, fraud or dishonesty in connection with the Company's business or property and he came to be suspended, pending enquiry. Shri Vasanji gave his explanation denying the charges however, the same was not found satisfactory and enquiry was directed. Shri G. S. Rozario was appointed an Enquiry Officer. The domestic enquiry was held between 17-6-1983 and 23-5-1984. He was found guilty and the Competent Authority concurring with the findings of the Enquiry Officer and considering the gravity and seriousness of the charge passed an order of dismissal w.e.f. 27-9-1984.

3. The grievance of the union is that the management failed and neglected to furnish copy of the Enquiry Officer's report either at the time of service of the dismissal order or thereafter. Even till the day the statement was filed no such copy was supplied, and that was inspite of the repeated request made.

4. The contention of the union is that the enquiry was an empty formality and the Enquiry Officer was biased, that the Enquiry Officer declined to furnish to the workman well in advance all the material and relevant documents in possession of the management and thereby prejudiced the workman. Findings are opposed to the evidence before the Enquiry Committee and are styled as perverse and based on no legal evidence but merely on conjectures and surmises. The Enquiry Officer failed to investigate into the charges and has not been fair and reasonable.

5. It also has not been held as mandatorily required under the provisions of the Model Standing Order, and has caused prejudice to the workman. It is further stated that he was called upon to give summation simultaneously alongwith one of the management's representative. This was opposed to the principles of natural justice. He was also not given opportunity to make a representation on the proposed penalty. Earlier order of suspension taken into account was not correct. It is the Union's case that the Model Standing Orders appended to the Industrial Employment (Standing Orders) Central Rules, 1946, were applicable to the Industrial Undertaking of the management. It is therefore, prayed that the impugned order be set aside, and he be ordered to be reinstated and paid back wages. He also has in the alternate prayed for lesser penalty in place of dismissal.

6. Written statement has been filed on behalf of the management. It is submitted that the order of

dismissal is preceded by an enquiry in which Shri Vasanji fully participated and in which he was found guilty of theft, fraud or dishonesty in connection with the business or property of the management. This was a grave charge of which he was found guilty after a full enquiry and deserved the punishment imposed upon him. It is further contended that the copy of the findings of the Enquiry Committee have been supplied to him on 10-8-1987. It is denied that the enquiry was an empty formality and that the Enquiry Officer was biased that the relevant documents and material were not given to him sufficiently in advance. He had full opportunity to cross-examine witnesses. It is denied that the findings are not based on material on record and are perverse. It is also denied that he was not paid subsistence allowance as per rules and regulations. Opportunity to give summation was given to him. It is also denied that there was any provision making it obligatory upon the management to issue the show cause notice on the question of punishment. Contention is that clause 29(A) and (d) are not applicable and that the Model Standing Orders were also not applicable. In the end it is prayed that the order of dismissal be not disturbed as it has been passed after observing the principles of natural justice. It is however, submitted that in case this Tribunal comes to a conclusion that the order of dismissal is vitiated on any ground then Corporation be given an opportunity of leading evidence to prove the charges.

7. The main contention is that the order of dismissal is not preceded by a fair impartial enquiry. In other words there has been a violation, it is contended, of the principles of natural justice and thereby the order of dismissal is vitiated. In this behalf I do not find any material from which it could be inferred that there has not been a fair and proper enquiry into the charges levelled against him. The entire file of the enquiry proceedings is produced on behalf of the management. The report is also adduced on record. From report of the Enquiry Officer, it is seen that the delinquent Shri Vasanji was caught red-handed in the act of committing theft. He was seen carrying two tins of 5 litre capacity fully filled with petrol. That was at about 10.20 p.m. and the Security Guard Shri Chauhan detected him near Tank No. 571. It was not a place assigned to him to work. He was in fact assigned work as a Senior Process Technician in Asphlat Site 'B' in 4-12 shift. After service of the chargesheet dated 23-5-1983 he gave reply dated 31-5-1983 and denied the allegations. It is thereafter, that an Enquiry Committee was constituted and from the enquiry papers produced it is evident that the delinquent workman was given full opportunity to defend himself and which he availed of. It is seen that the delinquent engaged Mr. Pinto to defend him at the enquiry. Witnesses were examined and allowed to be cross-examined and it is on the basis of the material that was produced before him that the Enquiry Officer concluded that he was guilty of the charge levelled against him and therefore, had committed misconduct alleged. There is no substance in the contention that he was not given fair opportunity to defend himself. At any rate it is not borne out on examination to the enquiry proceedings. Equally unsubstantiated is the charge that the Enquiry Officer was biased. To me it appears to be only a shot

in the dark. It is also not shown nor seen that the findings are not based on the material on record much less are perverse.

8. The contention that he was asked simultaneously to give summation and therefore, prejudiced is without any merit. At the end of the enquiry both sides were called upon to give what is styled as written arguments or summation. The Enquiry Officer has been examined and he has stated that due procedure to be followed was explained and prosecution was to sum up the case and so also the delinquent at the end. He stated in para 12 of the affidavit that he requested Corporation as well as defence counsel to give their summation simultaneously according to the procedure followed by the Corporation in such domestic enquiries. I do not see how it could be said to have prejudiced the defence of the delinquent. It is seen that the Enquiry Officer has been cross-examined at length. I am not able to find any material to conclude that there has been any unfairness in the enquiry.

9. The grievance that he has not been paid subsistence allowance is met by examining Mr. Shastry, Accounts Officer in the Pay Roll Department of the Corporation and he has referred to a statement dated, 9-1-1991 given by the Corporation to the employee Shri Vasanji showing the annual salary. He has also referred to summary of Form No. 16 showing the subsistence allowance paid to Shri Vasanji. He has also referred to pay slips. The point is not whether the proper subsistence allowance has been paid to the delinquent employee or not so far as this reference is concerned. The point is whether as a result of non-payment of proper subsistence allowance the delinquent employee has been prejudiced in defending himself in the enquiry. I do not find anything to show that he has been as a result prejudiced. In the course of cross-examination the delinquent states that he has been paid subsistence allowance but not regularly every month. The delinquent may have his own remedies to get the subsistence allowance but so far as this reference is concerned I do not think it could be successfully urged that he has been prejudiced as a result of non-payment of subsistence allowance regularly.

10. Another contention that has been raised is that he was not supplied a copy of the Enquiry Officer's report. The decision in Ramzan Khan's case has been relied upon. It is needless to say that the said decision will not be applicable to the facts of the case because that is prospective in operation w.e.f. 20th November, 1990 and this order of dismissal is passed as early as in year 1984.

11. However, in the case of Managing Director, ECIL, Hyderabad Vs. B. Karunakar reported in 1993 1 SCC page 728, the Supreme Court has held that the right to make a representation to the Disciplinary Authority against the findings recorded in the enquiry proceedings is an integral part of the opportunity to defend against the charges and is breach of principles of natural justice to deny the said right. It is only appropriate that the law laid down in Ramzan Khan's case should apply to the employee in all establishment whether Government or non-Government public or private and this will be the case whether there are rules governing the

disciplinary proceedings or not and whether they expressly prohibit the furnishing of the copy of the report or are silent on the subject. This decision, however, again reiterates that Ramzan Khan's case applies to the orders passed subsequent to that decision and that the case law was in an unsettled condition till then. In the circumstance non supply of copy of enquiry officer's report will not vitiate the present order.

12. The next contention is that the show cause notice against proposed penalty was not given. It is true that it was not given. The argument is that it militates against the provision of clause 14(4)(c) of the Model Standing Orders (Industrial Employment (Standing Orders) Central Rules 1946.

13. In Karunakran case (supra) it is said that the Tribunal/Court should not mechanically set aside the order of punishment on the ground that the report was not furnished. If he is given an opportunity to show cause that would be enough there it may not be necessary to direct the management to give him an opportunity to be heard on the point of penalty and then pass an order.

14. In the circumstances, non supply of copy of the Enquiry Officer's Report will not vitiate the order of penalty.

15. The contention is that, show cause notice against the proposed penalty was not given. It is true that such a notice was not given. Reference has been made to clause 14(e) of the Industrial Employment (Standing Orders) Central Rules 1946. The point that has been raised on behalf of the management is that, these rules are not applicable to the present workman. According to the management, the Standing Orders applicable to the workman in the present case are the Standing Orders framed by the Corporation, and that they do not provide for such notice and in this connection, provisions of clause 29 were referred to.

16. It is further submitted that the Industrial Establishment (Standing Orders) Central Rules 1946 apply only to the Industrial Establishments such as Railways, Major Port Trusts, Mines etc., and not to the Government undertakings. It is further submitted that, even the Industrial Establishment (Standing Orders) Central Rules 1946, Act No. 20 of 1946 and the Model Standing Orders framed thereunder, do not provide for giving such a notice before imposing the penalty. The Disciplinary Authority is only required to see the gravity of the misconduct, and the past record of the workman, if any, either extenuating, or aggravating circumstances that may exist. That has been done in this case, and therefore, there is no violation. I am inclined to agree with the submissions made on behalf of the management. In my view, it was not binding upon the management to give such a notice before imposing the penalty, and all that was required to be done has been done.

17. Even the decision in the case of Karunakaran, (supra) lays down that the Courts and Tribunals should not arbitrarily set aside the order of penalty merely on the ground of non-supply of copy of report. It also lays down the procedure to be followed

in such cases. It has been stated therein that the Court Tribunal has to see whether prejudice has been caused to the delinquent because of non supply of the report to him. In some cases, it may have prejudiced him, while in others, it may have made no difference at all. Hence to direct reinstatement with back wages in all cases uniformly, is to reduce the rules of justice to mechanical rituals. The principles of natural justice are neither incantations to be invoked nor rites to be performed on all and sundry occasions. Whether prejudice has been caused to the delinquent on account of denial of report to him or not, has to be considered on the basis of the facts and circumstances of each case. Where, therefore, even after the furnishing of the report, no different consequence would have followed, it would be a perversion of justice to permit the employee to resume duty and to get all consequential benefits. It then says that in all such cases he should be given an opportunity to show if prejudice was caused to him due to non-supply of the copy of report. It is in view of this, I find that it is unnecessary to direct the management to give him an opportunity to say on the point of penalty. It was also submitted that the practice of providing the delinquent with a copy of the report and a notice was not in vogue till prior to 1985, and the workman in the present case was subjected to the penalty prior to 1985, and therefore, also, it will not vitiate the order of penalty.

18. I would therefore, now consider, and it is the duty of this Tribunal under Section 11-A of the Act to find out whether the punishment imposed is proportionate to the gravity of the offence, and the past record of the delinquent if any. The theft alleged is of 10 litres of petrol. There are decisions of the High Courts on the point of the penalty to be imposed in such cases. In the case between Shri Ganikhan Vs. The Maharashtra State Road Transport Corporation, reported in 1992-II CLR p. 117 the Bombay High Court observed that the punishment of dismissal was disproportionate for theft of diesel value less than Rs. 10 and directed reinstatement with 25 per cent back wages.

19. Another decision in the case between the management of M/s. P. Otr and Sons. P. Ltd., and Presiding Officer Labour Court Madras and another, reported in 1974 I LLJ. page 517. Therein that case, the theft of empty oil tin worth ps. 30 was proved and the delinquent was dismissed after 24 years of service. The Labour Court in the circumstances directed reinstatement with 1/2 back wages, which came to be upheld by the High Court of Madras.

20. Yet another decision in the case between the National Textile Corporation (Mah. North) Ltd., and Gurunath Vithal Tamase and others, reported in 1992-II CLR page 385 deals with a case, where theft of Tinopal worth Re. 1 was proved and the punishment of dismissal from service was awarded. The High Court of Bombay observed that the punishment of dismissal was shockingly disproportionate. The High Court, while ordering reinstatement with full back wages, observed that it was also not necessary to inflict any minor punishment, in view of the fact that the employee was kept out of employment for a period of about 20 years and that

he was also made to suffer torture and hardship of fighting litigation after litigation during this period.

21. In the present case before me, the theft committed is of 2 tins of petrol, consisting 5 litre each and for this, he was dismissed from services in the year 1989, and he has been out of employment for a period of about five years, till now, and the penalty of dismissal in my opinion, can be now, set aside, and he can be directed to be reinstated in employment. In my view, he should be paid 25 per cent of the back wages, which will meet the ends of justice.

Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 1994

का.आ. 2902—आंशोर्गिक विवाद अधिनियम, 1947 (1947 वा 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमि. की बारीकोलियरी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंशोर्गिक विवाद में केन्द्रीय सरकार आंशोर्गिक अधिकरण (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-9-94 को प्राप्त हुआ था।

[संख्या एल-20012/322/90-आई आर (कोल-1)]

बृज मोहन, डैस्क अधिकारी

New Delhi, the 5th October, 1994

S.O. 2902.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Bararee Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 28-9-1994.

[No. L-20012/322/90-IR(Coal-I)]

BRIJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I,
DHANBAD

In the matter of a reference under section 10(1)(d)
(2-A) of the Industrial Disputes Act, 1947.

Reference No. 56 of 1991

PARTIES :

Employers in relation to the management of
Bararee Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha,
Presiding Officer.

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.
For the Intervenor.—Shri C. Prasad, Advocate.
For the sponsoring Union.—None.

STATE : Bihar

INDUSTRY : Coal

Dated, the 15th September, 1994

AWARD

By Order No. L-20012/322/90-I.R. (Coal-I), dated 29-5-91 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the union claiming the employment to Shri Baldeo Das son of late Teju Das, Ex-Dumper Khalasi under clause 9.4.2 to NCWA-III is justified? If so to what relief is the workman entitled to?”

2. On 14-9-1994 the case was fixed for filing of documents and for hearing on merits. Shri B. Joshi, learned lawyer for the management was ready for hearing and Shri C. Prasad, learned lawyer for the Intervenor was also present.

3. It appeared that since quite sometime the sponsoring Union had remained unrepresented, i.e., since 1-2-1993. In this case the sponsoring Union had to adduce evidence first.

4. Thereafter, a registered notice with A.D. was issued on 6-7-1994 to the Working President of the sponsoring Union. The A.D. Card has returned back showing that notice, giving information of hearing on 14-9-1994, was received by the Working President on 20-7-1994. Still none had appeared on behalf of the sponsoring Union on 14-9-1994.

5. It, therefore, appeared that the sponsoring Union has lost interest in this reference or that it has no dispute to prosecute.

6. I am, therefore, constrained to render a “no dispute” award in this case.

7. Therefore, I render a “no dispute” award in this reference case.

P. K. SINHA, Presiding Officer

तर्हि इस्त्री, 5 अक्टूबर 1994

का. आ. 2903:—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत पैट्रोलियम कॉमिंग कोल लिमि. की कुमार दुबी कॉलियरी, के प्रबंधनव के संबद्ध नियोजकों और उनके कर्मजारों के बीच, अनुबंध में निर्दिष्ट आद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण, (स. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार, को 28-9-94 को प्राप्त हुआ था।

[संख्या एल-20012/5/89-आई आर(कोल-1)]

बृज मोहन, डैस्क अधिकारी

New Delhi, the 5th October, 1994

S.O. 2903.—In pursuance of Section 17 of the Industrial Disputes Ac, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Kumardhubi Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 28-9-1994.

[No. L-20012/5/89-I.R.(Coal-I)]
BRIJ MOHAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I,
DHANBAD

In the matter of a reference under section 10(1)(d)
the Industrial Disputes Act, 1947.

Reference No. 162 of 1989

PARTIES :

Employers in relation to the management of
Kumardhubi Colliery of M/s. B.C.C. Ltd.
AND

Their Workmen.

PRESENT :

Shri P. K. Sinha,
Presiding Officer.

APPEARANCES :

For the Employers.—Shri B. M. Prasad,
Advocate.

For the Workmen.—Shri M. K. Sengupta,
Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, the 16th September, 1994

AWARD

By Order No. L-20012/5/89-I.R. (Coal-I), dated the 15th November, 1989, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Kumarduhbi Colliery of M/s. Eastern Coal Fields Ltd. in placing Shri Bhagwan Das, Despatch Clerk, under suspension during 1976-77, in not paying him full wages and denying him promotion is justified? If not, to what relief is workman entitled to?"

2. The dispute has been settled out of Tribunal. A memorandum of settlement has been filed in this Tribunal. I have gone through the terms of settlement and I find those to be fair and reasonable. I allow the prayer to pass an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act.

P. K. SINHA, Presiding Officer

MEMORANDUM OF SETTLEMENT ARRIVED
BETWEEN MANAGEMENT REPRESENTATIVE
OF MUGMA AREA AND THEIR WORKMEN ON
14-9-1994

Reference No. 162/89

NAME OF PARTIES :

Sri Bhagwan Das,
Despatch Clerk,
Mandman Colliery.

REPRESENTING EMPLOYER :

1. Sri A. P. Yadav, P.M.,
2. Sri S. N. Singh, P.M.,
Eastern Coalfields Ltd.,
Mugma Area, P.O. Mugma,
Dist. Dhanbad (Bihar).

SHORT RECITAL OF THE CASE :

Shri Bhagwan Das, Despatch Clerk, Mandman Colliery now Kumardhubi Colliery had raised a dispute before the Conciliation Officer through their Union for non-payment of wages for the period of suspension with effect from 7-3-76 to 5-6-76 as well as non-payment of his dismissal period i.e. 6-4-76 to 1-3-77. The conciliation ended in failure and the appropriate Government has referred this matter to the Tribunal No. 1 for adjudication and the same is at present running at Tribunal No. 1. The matter has been discussed with the workman and it has been agreed to settle this dispute, with the following terms and conditions :

1. The workman concern Sri Bhagwan Das will be paid idle wages from 7th March 1974 to 1st March 1977.
2. Management agreed to promote Sri Bhagwan Das against the vacancy arising out of staffing pattern, resultant vacancy and 40 points Poster whenever it will occur.
3. That Sri Bhagwan Das shall not raised further dispute in any further claim covered under above dispute.

The copy of this Memorandum of settlement shall be filed before the Hon'ble Presiding Officer, Central Government Tribunal No. 1, Dhanbad and the next date fix for the dispute with request to pass an award in terms of the settlement as reached between parties.

For the Workman

(Bhagwan Das)

14-9-1994.

Witness :

1. Sd/- Illegible.
2. Sd/- Illegible.

For the Management of
Mugma Area :

1. Sri A. P. Yadav, P.M.
2. Sri S. N. Singh, P.M.

Eastern Coalfields Ltd.,
P.O. Mugma,
Dist. Dhanbad.

Dated :

Part of the Award.

नई दिल्ली, 7 अक्टूबर, 1994

का.आ. 2904—केन्द्रीय सरकार, ठेका श्रम (विनियमन
और उत्पादन) अधिनियम, 1970 (1970 की 37) की
धारा 31 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,
केन्द्रीय सलाहकार टेका श्रम बोर्ड से परामर्श करने के
पश्चात दामोदर सेला कार्पोरेशन, झाक घर बरमी, जिला
बोकारो, बिहार की बरमी कोयला खान को भारत सरकार
के श्रम मंत्रालय की अधिसूचना का.आ. सं. 2063,
तारीख 21 जून, 1988 को अनुसूची की मध्य सं. 3 से
तारीख 3 नवम्बर, 1993 से एक वर्ष की अवधि के लिए
छूट देती है।

[का.मं. एस-16012/1/93-एल उल्लू(भाग)]

एस.के. सिन्हा, उप मन्त्री
पात्र दिप्पण :—मूल अधिसूचना का.आ. नं. 2063,
तारीख 21 जून, 1988 द्वारा जारी की गई थी।

New Delhi, the 7th October, 1994

S.O. 2904.—In exercise of the powers conferred by section 31 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government after consultation with the Central Advisory Contract Labour Board, hereby exempts the Bermo Colliery of the Damodar Valley Corporation, P.O. Bermo, District Bokaro, Bihar from item No. 3 of the Schedule to the Government of India, Ministry of Labour Notification S.O. No. 2063, dated 21st June, 1988 for a period of one year with effect from 3rd November, 1993.

[F. No. S-16012/1/93-LW(Pt.)]

S. K. SINHA, Dy. Secy.

FOOTE NOTE :—The Principal notification was issued vide S.O. No 2063 dated 21st June, 1988.